

**Bell, Christina ENV:EX**

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**From:** Minister, ENV ENV:EX  
**Sent:** Friday, November 1, 2013 3:48 PM  
**To:** Correspondence Unit ENV:EX  
**Subject:** FW: DFO Fisheries Protection Program / MPO Programme de protection des pêches  
**Attachments:** Final Policy Statement (EN) Oct29.pdf; FPP Operational Approach -final.pdf; PPP Approche opérationnelle -finale.pdf; Policy Statement FR (Oct29).pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Anna, Unprinted

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**From:** XNCR, FPP-PPP [<mailto:FPP-PPP@DFO-MPO.GC.CA>]  
**Sent:** Tuesday, October 29, 2013 8:57 AM  
**To:** Minister, ENV ENV:EX  
**Cc:** Shoemaker, Wes ENV:EX  
**Subject:** DFO Fisheries Protection Program / MPO Programme de protection des pêches

Dear Minister,

As you are aware, our Government announced its intention to amend the *Fisheries Act* in Economic Action Plan 2012. These changes streamline administrative processes while strengthening environmental and fisheries protection.

As part of our ongoing efforts to engage with partners on the forthcoming Fisheries Protection Program, I am pleased to provide you with the following documents:

- The Fisheries Protection Policy Statement, which sets out the vision and the guiding principles for the administration of the amended *Fisheries Act*; and
- The Fisheries Protection Program's operational approach, which will provide details on how Fisheries and Oceans Canada (DFO) will implement the new policy.

I welcome your suggestions on ways to further streamline our administrative processes while ensuring the sustainability and ongoing productivity of our fisheries. Please send your comments to

[FPP-PPP@dfo-mpo.gc.ca](mailto:FPP-PPP@dfo-mpo.gc.ca).

If you have questions or wish to request an in-person meeting, please contact Steve Burgess at 613-993-8605 or by email at [steve.burgess@dfo-mpo.gc.ca](mailto:steve.burgess@dfo-mpo.gc.ca).

Sincerely,

The Honourable Gail Shea

Minister of Fisheries and Oceans

<<Final Policy Statement (EN) Oct29.pdf>> <<FPP Operational Approach -final.pdf>>

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Chère Madame la Ministre,

Comme vous le savez, notre gouvernement a annoncé son intention à apporter des amendements à la *Loi sur les pêches* dans le cadre du Plan d'action économique 2012. Les amendements permettent d'augmenter l'efficacité du processus administratif tout en renforçant la protection des pêches et de l'environnement.

Dans le cadre de nos efforts d'engagement avec nos partenaires au sujet du nouveau Programme de protection des pêches, il me fait plaisir de vous envoyer les documents suivants :

- L'Énoncé politique sur la protection des pêches qui explique notre vision et les principes directeurs pour l'administration de la nouvelle *Loi sur les pêches*; et
- L'approche opérationnelle du Programme de protection des pêches, qui explique comment Pêches et Océans Canada appliquera la nouvelle politique.

Toutes suggestions sur les mesures supplémentaires pour améliorer l'administration du programme tout en assurant la durabilité et le productivité continu de nos pêches sera le bienvenu. Veuillez envoyer vos commentaires au [FPP-PPP@dfo-mpo.gc.ca](mailto:FPP-PPP@dfo-mpo.gc.ca).

Si vous avez des questions, ou si vous aimerez une rencontre, veuillez contacter Steve Burgess au 613-993-8605, ou par courriel au [steve.burgess@dfo-mpo.gc.ca](mailto:steve.burgess@dfo-mpo.gc.ca).

Salutations sincères

L'honorable Gail Shea

Ministres des Pêches et des Océans

<<PPP Approche opérationnelle -finale.pdf>> <<Policy Statement FR (Oct29).pdf>>

**Bell, Christina ENV:EX**

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**From:** Minister, ENV ENV:EX  
**Sent:** Tuesday, December 10, 2013 4:45 PM  
**To:** 'FPP-PPP@dfo-mpo.gc.ca'  
**Subject:** RE: DFO Fisheries Protection Program / MPO Programme de protection des pêches  
**Attachments:** Final Policy Statement (EN) Oct29.pdf; FPP Operational Approach -final.pdf; PPP Approche opérationnelle -finale.pdf; Policy Statement FR (Oct29).pdf

Reference: 199213

*December 10, 2013*

The Honourable Gail Shea, PC, MP  
Minister of Fisheries and Oceans  
Email: [FPP-PPP@dfo-mpo.gc.ca](mailto:FPP-PPP@dfo-mpo.gc.ca)

Dear Minister:

Thank you for your email of October 29, 2013, regarding the Government of Canada's Fisheries Protection Program.

I appreciate the opportunity to comment on the Fisheries Protection Policy Statement and the Fisheries Protection Program's operational approach. British Columbia (BC), through a natural resource working group led by the Ministry of Environment, has provided substantive comments directly to Fisheries and Oceans Canada (DFO) on earlier versions of these documents. We will continue to review these versions and provide comments as necessary.

British Columbia has been diligent in providing written responses in great detail since the beginning of DFO engagement on *Fisheries Act* changes. We are awaiting responses to a number of questions we have raised in the last 16 months. In order to meaningfully contribute to the ongoing development of policies and regulations in support of the *Fisheries Act*, BC would like a written response to these outstanding questions, as discussed with DFO's regional and national Fisheries Protection Program staff.

I appreciate that the sustainability of aquatic ecosystems is a shared responsibility between federal and provincial agencies. We await your response so that we may ensure a meaningful and continued collaboration.

Thank you again for writing and providing me with the Fisheries Protection Program materials.

Sincerely,

Mary Polak  
Minister

cc: Honourable Bill Bennett, Minister of Energy and Mines  
Honourable Pat Pimm, Minister of Agriculture  
Honourable Todd Stone, Minister of Transportation and Infrastructure  
Honourable Steve Thomson, Minister of Forests, Lands and Natural Resource Operations

**From:** XNCR, FPP-PPP [mailto:FPP-PPP@DFO-MPO.GC.CA]

**Sent:** Tuesday, October 29, 2013 8:57 AM

**To:** Minister, ENV ENV:EX

**Cc:** Shoemaker, Wes ENV:EX

**Subject:** DFO Fisheries Protection Program / MPO Programme de protection des pêches

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- The Fisheries Protection Policy Statement, which sets out the vision and the guiding principles for the administration of the amended *Fisheries Act*; and
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Toute suggestions sur les mesures supplémentaires pour améliorer l'administration du programme tout en assurant la durabilité et le productivité continu de nos pêches sera le bienvenu. Veuillez envoyer vos commentaires au [FPP-PPP@dfo-mpo.gc.ca](mailto:FPP-PPP@dfo-mpo.gc.ca).

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Salutations sincères

L'honorable Gail Shea

Ministres des Pêches et des Océans

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## **The Fisheries Protection Program Operational Approach**

### **Context**

Through amendments to the *Fisheries Act*, and renewal of the policy framework that supports Fisheries and Oceans Canada's (the Department's) management of impacts to fish and fish habitat, the Department will apply a risk-based approach to manage threats to the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries. This means adapting the way that the Department administers its responsibilities under the *Fisheries Act*, and the program that administers those responsibilities.

### **Purpose**

This document is intended to provide an overview of the approach that will be applied to the administration of the new fisheries protection provisions of the *Fisheries Act*, and to the establishment of the new Fisheries Protection Program (the Program) within Fisheries and Oceans Canada.

### **Introduction**

Changes to the *Fisheries Act* were made to better manage threats to the sustainability and productivity of commercial, recreational and Aboriginal fisheries. Once in force, the new fisheries protection provisions of the amended *Fisheries Act* will continue to prohibit unauthorized impacts to fish and fish habitat, and project proponents will continue to be responsible for complying with those elements of the law. The Act will also continue to provide the Minister of Fisheries and Oceans with tools to promote and compel compliance with the Act. Under the amended Act, project proponents will continue to be encouraged to avoid and mitigate their impacts to fisheries, and will not need to contact the Department if they can avoid impacts to fish and fish habitat.

'Serious harm to fish' is defined in the *Fisheries Act* and interpreted by the Department through its Policy Statement on fisheries protection. The Department will focus application of the fisheries protection provisions of the *Fisheries Act* to those projects most likely to result in serious harm to fish. Projects resulting in serious harm to fish will require authorization to be in compliance with the Act. To be considered for an Authorization, project proponents will need to follow a formal process for applying for a *Fisheries Act* authorization. This will include submitting an application that meets detailed information requirements set by the Department in regulation. The completed authorization will include terms and conditions to avoid, mitigate and offset the serious harm resulting from the relevant elements of the project, and failure to abide by these terms and conditions will represent a contravention of the Act.

The new Fisheries Protection Program organizational structure took effect on April 2, 2013, and signaled the shift that would soon take effect with the coming into force of the fisheries protection provisions of the *Fisheries Act*.

The new organization is run out of sixteen offices across the country with a more centralized presence in each departmental region. The regulatory review process in each region is managed by a regulatory review team that includes a Triage and Planning unit, and Regulatory Review units. While Regulatory Review units may be housed within various offices across a region, the Triage and Planning units are located in one office per region to facilitate coordinated management of reviews and priority setting. The location of these Triage and Planning units are: Vancouver (Pacific Region), Burlington (Central and Arctic Region), Mont-Joli (Quebec Region), Moncton (Gulf Region), Halifax (Maritimes Region), Saint John's (Newfoundland and Labrador Region).

The Regulatory Review teams are further organized into sector-specific clusters that enable the Program to have virtual networks of fisheries protection staff that are reviewing similar project types, and that facilitate information sharing and increased consistency in how these projects are assessed and managed across the Program. The sector-base regulatory review clusters include: 1) Mining, Oil and Gas, 2) Linear Development, 3) Marine and Coastal, and 4) Hydro and Flows.

Within each regional headquarters office the Program now also has a Standards, Guidelines and External Liaison team that will act as a focal point for developing partnership arrangements and clear requirements for complying with the fisheries protection provisions of the Act.

In order to align program delivery with the new organizational structure, work plans and Program priorities, and to prepare for coming into force of the new Act (expected to take place in the fall of 2013), a national approach has been developed to focus resources on projects posing a higher risk to the ongoing productivity of fisheries.

### **The Operational Approach**

This approach recognizes that operational tools and technical resources exist to avoid impacts to fish and fish habitat, and that by following established best practices and applying professional advice, project proponents can ensure compliance with the law without the Department's intervention. These tools and resources include industry-, regionally-, and provincially-based guidelines and best practices, as well as advice from qualified professionals with expertise in managing impacts to fish and fish habitat.

The Department will continue to provide site-specific review of projects where available best practices cannot avoid or mitigate all impacts to fish and fish habitat. Conversely, the Department will not review or provide site-specific advice on projects that are not likely to result in impacts to fish and fish habitat that would affect the ongoing productivity of fisheries. Where the Department historically provided a high level of site-specific advice on these low risk projects, the onus will now be on proponents to retain advice from other sources.

To support this approach, the Department will establish a minor impacts list identifying impact types that can be avoided or mitigated using existing practices such that impacts to the ongoing productivity of fisheries are not likely, and will identify marginal waterbodies where it is also unlikely that impacts to ongoing productivity of fisheries would occur. Projects resulting in these minor impacts or taking place in these marginal waterbodies will be able to proceed using standard tools and resources without a review by the Department.

At the same time, the Department will identify in advance sensitive species or habitats that will be subject to site-specific review by the Department, regardless of the potential level of impact to fish and fish habitat.

The Department will continue to build upon these lists and criteria to release new standards and guidelines (including regulations), as they are developed, that will provide further direction and guidelines on project types and measures that avoid or mitigate impacts to fish and fish habitat.

In cases where no review by the Department occurs, the onus will be on proponents to ensure that their project is designed in a way that avoids impacts to fish and fish habitat by following available best practices or external professional advice. To support this, the Department will remain active in ensuring that clear standards, guidelines and other best management practices are available to proponents,

consultants and regulatory partners to assist them in avoiding and mitigating impacts to fisheries productivity.

Proponents of projects that are not on the Minor Impacts List, and that are not found in marginal waterbody types, can request a regulatory review of their projects by the Department to determine if additional avoidance and mitigation measures are appropriate. A mandatory request for review form will need to be completed following the Program's defined information requirements for review. This information will be used to support a site-specific review of the impacts of the project and an analysis of the risk to fish and fish habitat. Based on the site-specific review, the Department will then recommend: that the project proceed following the appropriate avoidance and mitigation measures; that the proponent should seek an authorization for serious harm to fish likely to result from the project; or that the project should be relocated or re-designed given the likelihood of unacceptable impacts to fish and fish habitat.

A project proponent may decide, at any point in the planning process, based on available resources, the advice of a qualified professional, or the review by the Department (where applicable), that a *Fisheries Act* authorization is warranted because serious harm to fish is likely to occur. In such a case, the proponent can prepare and submit a formal request for authorization, including all of the required information set out in regulation.

### **Operational Guidance**

In preparation for coming into force of the new fisheries protection provision, on-line guidance is being developed for external stakeholders focussing on information related to:

- how to avoid and mitigate impacts to fish and fish habitat (including generic avoidance measures and recognized best practices),
- when to submit a project to the Department for review,
- the process and information requirements for submitting a project to the Department, including a mandatory request for review form, and
- the Program's decision framework for triage and planning, regulatory review and authorization processes.

This guidance will allow proponents, consultants and partners to identify when projects require Departmental review.

Guidance is being developed to identify two types of fish species or habitats: those that are least sensitive and those that are most sensitive to impacts to the ongoing productivity of fisheries. This guidance is offered in terms of the priority assigned to them by the Department in providing site-specific regulatory reviews and advice.

*Marginal Waterbody Types* – Guidance is being developed to identify waterbody types that are unlikely to support fish and fish habitat that are part of, or support a Commercial, Recreational or Aboriginal fishery. Projects occurring within these waterbody types are therefore unlikely to cause impacts to the ongoing productivity of fisheries, and would not receive project-specific review by the Department. Examples of these marginal waterbodies may include, but are not limited to:

- non-fish bearing-waters
- watercourses not providing migratory corridors or in-stream habitat



- man-made irrigation, water supply, water management, or industrial waterbodies not connected to aquatic systems that support fish

*Sensitive Species and Habitats* – Guidance is being developed to identify specific species and areas that are at greater risk of impact to the ongoing productivity of fisheries. Site-specific review by the Department of projects affecting these species and/or habitats types should be conducted regardless of work, undertaking or activity proposed. These sensitive species and habitats may include, but are not limited to:

- designated species at risk and their residences or critical habitat
- defined limiting or rare habitats (including spawning, rearing, nursery, feeding and migratory routes), for instance areas that have been identified as important in support of local fisheries management objectives

*The Minor Impacts List* – The list of minor impacts to fish and fish habitat will identify impact types, and by extension project types, that are unlikely to result in effects to the ongoing productivity of commercial, recreational and Aboriginal fisheries. Due to the low-risk nature of these impacts, DFO will not provide a site-specific review of these projects, and proponents will be responsible for implementing existing best practices to maintain compliance with the *Fisheries Act*. Implementation of these best practices will minimize cumulative effects to the greatest extent possible. Minor impacts may include, but are not limited to:

- watercourse alterations, such as channel realignment or vegetation removal, that are temporary or can be done in the dry
- temporary obstructions that take place outside critical migratory, spawning and nursery periods for local fish species
- spatial impacts, such as infilling, dredging or excavation activities, that occur within the existing footprint of previous works or that are of a footprint small enough that local effects on fisheries productivity would not likely occur

In determining the likelihood and severity of impacts to the ongoing productivity of fisheries, historical and more recent development activities in the vicinity of the project should also be considered by project proponents. It is important to emphasize that these criteria and thresholds, as captured in the Operational Guidance section of this document, remain under development, and are subject to change. In addition, through their application and continued collaboration with external stakeholders, they will evolve into the development of further guidance, policy interpretation, and new regulatory tools that will further clarify and codify the operational approach to administering the fisheries protection provisions.

### **Monitoring**

Compliance, effectiveness and fisheries status monitoring is required to demonstrate Program performance, allow for Program improvement, and ultimately provide indications as to whether fisheries productivity is being protected.

Compliance monitoring will be carried out primarily on projects which the Department reviews, provides advice, authorizes, or issues requests or orders, to determine if *Fisheries Act* requirements are being complied with. Compliance and enforcement activities will be carried out by the Department's Conservation and Protection staff and supported by partnerships with other regulatory agencies. Compliance and enforcement for project types that the Department is not routinely involved in will be

informed by reports of incidents of potential non-compliance (i.e. occurrences) and mandatory reporting by proponents, and will be carried out when deemed appropriate using a risk-based approach.

Effectiveness monitoring will be carried out by the Program on projects with the Department's involvement to ensure that measures being required and implemented to manage impacts to fisheries are having expected results.

Broader monitoring and determination of the status of fisheries and aquatic ecosystems will be carried out in collaboration with regulatory partners and external stakeholders willing to contribute to collection and analysis of data important to maintaining the ongoing productivity of fisheries.

All types of monitoring activities will be coordinated across the Program through a national strategic monitoring planning framework, and coordinated by regional monitoring strategic plans.

### **Partnering**

Strong partnerships will be required to support the sustainability and ongoing productivity of fisheries and the Department will take a leadership role in developing strategic partnerships, recognizing the importance of stakeholder involvement in supporting fisheries.

These partnerships include regulatory arrangements with other federal agencies, and provincial regulators, which will allow for the requirements of the fisheries protection provisions of the *Fisheries Act* to be administered by organizations best positioned to do so, thereby reducing overlap and filling regulatory gaps. These arrangements can lead to the development of instruments to support equivalency, incorporation by reference, and delegation to formalize and ensure transparency of these partnerships.

Existing regulatory partnership arrangements will continue to be supported by the Department and efforts will be made to renew and improve these partnerships. In keeping with the spirit and intent of these arrangements, existing processes that already allow for regulatory streamlining and best-placed delivery of services will be maintained to the extent possible.

Partnership arrangements with non-regulatory stakeholder organizations will facilitate information exchange and feedback on not only regulatory issues, but also non-regulatory activities, such as the Recreational Fisheries Conservation Partnerships Program, that provide a catalyst for bringing organizations and resources together to improve fisheries habitats.

### **Next Steps**

The Program will continue to develop, implement, evaluate and refine operational tools and processes over time. As the new Program evolves, feedback on the operational approach will be used to improve efficiency and effectiveness of the Fisheries Protection Program and to inform the development of regulatory tools and regulations under the *Fisheries Act*.

## **Fisheries Protection Policy Statement**

**October 2013**

## Fisheries Protection Policy Statement

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## **1. Ministerial Statement**

Fisheries have long been valued by Canadians for economic, environmental, cultural and ceremonial purposes.

The Fisheries Protection Policy Statement, 2013 supports changes made to the *Fisheries Act* in 2012. These changes: focus our efforts on protecting the productivity of commercial, recreational and Aboriginal fisheries; institute enhanced compliance and protection tools that are more easily enforceable; provide clarity, certainty and consistency of regulatory requirements; and enable enhanced partnerships with stakeholders such as other agencies of government and local groups to ensure a comprehensive approach to fisheries protection.

The intent of this policy is to provide guidance to Canadians to ensure they are complying with the *Fisheries Act*. It will strengthen the Government's ability to address key threats to the productivity and sustainability of our fisheries, through standards and guidelines to avoid, mitigate and offset impacts to fisheries and to ensure compliance with these requirements.

Our approach to fisheries protection will ensure these valuable commercial, recreational and Aboriginal fisheries thrive, while encouraging the responsible development of Canada's natural resources.

I am confident that responsible resource development and sustainable fisheries can both be achieved. I look forward to our continued collaboration on fisheries protection so that our grandchildren, and their children, will also enjoy the benefits of Canada's rich fisheries resources.

The Honourable Gail Shea  
Minister of Fisheries and Oceans

## **2. Disclaimer**

The Fisheries Protection Policy Statement is for information purposes only. It is not a substitute for the *Fisheries Act* or its Regulations. In the event of an inconsistency between the policy statement and the *Fisheries Act* or its Regulations, the legislation will prevail.

## **3. Approval authority, effective date and review date**

The Fisheries Protection Policy Statement was approved by the Minister of Fisheries and Oceans and it is effective as of November 2013. The policy statement will be reviewed at least every 10 years.

## 4. Application

The Fisheries Protection Policy Statement will be used by officials of Fisheries and Oceans Canada (the Department) and the Department's regulatory partners<sup>1</sup> when administering the fisheries protection provisions<sup>2</sup> of the *Fisheries Act*.

The Fisheries Protection Policy Statement applies to proponents of existing or proposed works, undertakings or activities (hereafter referred to as projects) that are likely to result in impacts to fish or fish habitat that are part of or support commercial, recreational or Aboriginal fisheries, including projects that have the potential to affect the passage of fish or modify the flow of watercourses.

## 5. Context

### 5.1 Background

The *Fisheries Act* became one of Canada's first laws in 1868. In recognition that healthy and productive fisheries require healthy fish habitat, the habitat protection and pollution prevention provisions were incorporated into the Act in the 1970's. In 2012, changes were made to the *Fisheries Act* to enhance the ability of the Department to manage threats to the sustainability and productivity of Canada's commercial, recreational and Aboriginal fisheries. Changes were also made to enable:

- enhanced compliance and protection tools;
- expanded use of standards and other tools that make regulatory requirements clear and consistent; and
- partnerships with agencies and organizations best placed to provide fisheries protection services.

The changes to the *Fisheries Act* include a prohibition against causing *serious harm to fish* that are part of or support a commercial, recreational or Aboriginal fishery (Section 35), provisions for flow and passage (Sections 20 and 21), and a framework for regulatory decision-making (Sections 6 and 6.1). These provisions guide the Minister's decision-making process in order to provide for sustainable and productive fisheries.

The Fisheries Protection Policy Statement was prepared by the Department to explain the fisheries protection provisions of the *Fisheries Act* and to outline how the Department will

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<sup>1</sup> Regulatory partners are those with whom the Department has established partnership arrangements for the administration of the fisheries protection provisions.

<sup>2</sup> As set out in Appendix 1.

implement these provisions. In particular, the policy statement focuses on the regulatory aspects of the Department's Fisheries Protection Program.

### ***5.2 Importance of fish and fish habitat***

Fish have long had economic, environmental, cultural, and spiritual value to Canadians. Aboriginal peoples have been fishing for many generations in Canada's seas, along the coasts, in lakes, and in rivers. Commercial and recreational fisheries also generate billions of dollars every year within the Canadian economy.

Fish need healthy places to live, feed, and reproduce. They also need healthy corridors to migrate between these places. Canada's myriad water bodies, including coastal and marine areas, lakes, ponds, rivers, streams, and wetlands, and riparian areas provide important habitat for fish.

### ***5.3 Threats to fisheries***

The sustainability and productivity of fisheries today are threatened by multiple and interacting stressors, including:

- ***habitat degradation or loss***, which may occur as a result of the fragmentation of habitat, infilling of lakes or streams, conversion of wetlands or other activities in a watershed such as logging, urbanization, or the clearing of riparian or aquatic vegetation;
- ***flow alteration***, which may alter habitat characteristics or cause the death of fish, and may be caused by dams or other impoundments, water diversion, stream crossings or water extraction for uses such as municipal, industrial, or agricultural uses;<sup>3</sup>
- ***aquatic invasive species***, which may threaten fish through competition, predation or habitat impacts;
- ***overexploitation of fish***, which may lead to depleted or unsustainable populations; and
- ***pollution*** of many kinds, which may adversely affect water quality and fish health.

Fisheries productivity is often subject to impacts from multiple, different stressors at a given time or from repeated stressors over time that pose significant threats. All of these stressors take place in the context of a changing environment. Changes in seasonal temperatures, ice cover, precipitation, and evaporation patterns can lead to changes in water quantity and quality, ultimately affecting fish and fish habitat. In turn, each of these stressors may have associated effects on the ability of fish to carry out their life processes and on their habitat. While many of these stressors are beyond the control of any single regulatory body or individual, their impacts can be managed collectively to provide for sustainable and productive fisheries.

Although overexploitation, aquatic invasive species and pollution are all threats to the

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<sup>3</sup> Fisheries and Oceans Canada, Canadian Science Advisory Secretariat, Science Advisory Report: *A Framework for Assessing Ecological Flow Requirements to Support Fisheries in Canada*, 2013/017. [www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2013/2013\\_017-eng.pdf](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2013/2013_017-eng.pdf)

sustainability of fisheries, the Fisheries Protection Policy Statement focuses on the management of impacts to fish resulting from habitat degradation or loss and alterations to fish passage and flow. Other components of the *Fisheries Act* and various pieces of federal, provincial, and territorial legislation address these other threats.

## **6. Roles and responsibilities: *Protecting fisheries is a shared responsibility***

Many partners and stakeholders, including federal departments, provincial and territorial governments, Aboriginal peoples, recreational fishing and angling groups, conservation organizations and industry groups, share a common interest in the conservation and protection of fisheries. Sustainability and ongoing productivity of fisheries may best be achieved when these partners and stakeholders work together to conserve and protect fish and fish habitat.

### ***Proponents***

Canada's fish and fish habitat are a shared resource that provide great social, economic and environmental benefits but they are also finite and vulnerable. They must therefore be protected and managed to maintain these benefits for present and future generations.

Development activities taking place in or near water may affect fisheries by adversely affecting fish or fish habitat. Proponents of these activities should:

- understand the types of impacts their projects are likely to cause;
- take measures to avoid and mitigate impacts to the extent possible; and,
- request authorization from the Minister and abide by the conditions of any such authorization, when it is not possible to avoid and mitigate impacts of projects that are likely to cause *serious harm to fish*.

Furthermore, proponents are required to ensure that their projects conform to all other statutory requirements.

### ***Federal government***

The *Fisheries Act* and, more specifically, its fisheries protection provisions, establish authorities for the protection of commercial, recreational and Aboriginal fisheries. These authorities include the prohibition against carrying out projects that result in *serious harm to fish* and the powers related to fish passage and flow.

Other federal legislation such as the *Oceans Act*, the *Species at Risk Act* and the *Canadian Environmental Assessment Act, 2012* consider fish and fish habitat. These other statutes may complement the fisheries protection provisions of the *Fisheries Act*.

### ***Provinces and Territories***

While management of inland fisheries has largely been delegated to the provinces and the Yukon



Territory, the administration of the fisheries protection provisions remains with the federal government across Canada. However, provincial and territorial authorities deliver a range of natural resource conservation initiatives under various provincial and territorial laws that complement those of the federal government. For example, land-use decisions made by these authorities may have a significant bearing on the quality and function of fish habitat in a given watershed.

Arrangements between the Department and other federal, provincial and territorial authorities provide effective mechanisms to collaborate on managing threats to fisheries.

## **7. Statement**

### **7.1 Purpose**

The purpose of the Fisheries Protection Policy Statement is two-fold:

- 1) to set out how the Department and its regulatory partners will apply the fisheries protection provisions of the *Fisheries Act* and guide the development of regulations, standards and directives; and
- 2) to provide guidance to proponents of projects on the application of the fisheries protection provisions of the *Fisheries Act*.

### **7.2 Goal**

The goal of the Department in applying this Fisheries Protection Policy is to provide for the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries.

### **7.3 Objectives**

Through the Fisheries Protection Policy Statement, the Department's objectives are to provide consistent guidance through regulations, standards and directives, and to make regulatory decisions in a timely manner. In this way, proponents will have the necessary information and direction to avoid, mitigate and offset harmful impacts to fish and fish habitat so that they will meet the goal of this policy, and thereby comply with the fisheries protection provisions of the *Fisheries Act*.

### **7.4 Principles**

To meet the goal and the objectives of the Fisheries Protection Policy Statement, the Department will be guided by the following principles:

- **Avoid harm:** Whenever possible, the Department's preference is to maintain the productivity of Canada's fisheries by avoiding impacts to fish and fish habitat. Proponents are responsible for managing and mitigating impacts resulting from their projects.
- **Promote sound decision-making:** In making regulatory decisions, the Department will be informed by the best available science, technical information and traditional knowledge. The Department will also be guided by the application of precaution<sup>4</sup> and a risk-based approach to decision-making.
- **Enable best-placed delivery:** Other entities across Canada may be well-placed to achieve and deliver the objectives of the fisheries protection provisions. The Department will thus seek to collaborate with partners who have the knowledge, capacity and interest in fisheries conservation and protection when these align with the Department's mandate, priorities and objectives.
- **Employ a standards-based approach:** The Department will develop and support the use of standards that provide clarity and certainty to proponents while maintaining the sustainability and ongoing productivity of Canada's fisheries.
- **Consider the ecosystem context:** The consideration of cumulative effects on the state, resiliency, and natural biodiversity of the ecosystem will guide the Department in achieving the objectives of the Fisheries Protection Policy Statement.

## 8. Fisheries protection provisions of the *Fisheries Act*

### 8.1 *Scope of application of the prohibition (Section 35)*

The prohibition against *serious harm to fish* applies to fish and fish habitat that are part of or support commercial, recreational or Aboriginal fisheries. Definitions of "fish", "fish habitat", "fishery", and "commercial", "recreational", and "Aboriginal", in relation to a fishery, are found in the *Fisheries Act* and in the glossary of this document.

**Fish that are part of** commercial, recreational or Aboriginal fisheries are interpreted to be those fish that fall within the scope of applicable federal or provincial fisheries regulations<sup>5</sup> as well as those that can be fished by Aboriginal organizations or their members for food, social or ceremonial purposes or for purposes set out in a land claims agreement.

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<sup>4</sup> Government of Canada: *A framework for the application of precaution in science-based decision-making about risk*, 2003. [www.pco-bcp.gc.ca/docs/information/publications/precaution/Precaution-eng.pdf](http://www.pco-bcp.gc.ca/docs/information/publications/precaution/Precaution-eng.pdf)

<sup>5</sup> Applicable federal and provincial statutes and regulations include, for example: fishing regulations made under the *Fisheries Act* (Canada), National Parks of Canada Fishing Regulations, and relevant provincial Acts and regulations.

**Fish that support** these fisheries are those fish that contribute to the productivity of a fishery (often, but not exclusively, as prey species). The “fish that support” may reside in water bodies that contain the commercial, recreational or Aboriginal fisheries or in water bodies that are connected by a watercourse to such water bodies.<sup>6</sup>

In Canada, most water bodies contain fish, or their habitat, that are part of or support commercial, recreational or Aboriginal fisheries and are therefore subject to the prohibition against *serious harm to fish*. These areas include: i) all three of Canada’s oceans; ii) areas of fishing for food, social, or ceremonial purposes or under land claims agreements by Aboriginal peoples; and iii) areas covered by federal or provincial fisheries regulations. Notwithstanding the above, some water bodies may be specifically excluded from the application of federal or provincial regulations.<sup>7</sup>

In addition, some water bodies may not contain fish or provide fish habitat that are part of or support commercial, recreational or Aboriginal fisheries. Such water bodies may not be subject to the prohibition. These would need to be determined on a case-by-case basis. In these circumstances, proponents are advised to use appropriate and recognized scientific methods to consider whether any such water bodies would be affected by their projects.

## 8.2 *Serious harm to fish (Section 35)*

35. (1) *No person shall carry on any work, undertaking or activity that results in serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery.*

Section 35 of the *Fisheries Act* prohibits *serious harm to fish* which is defined in the Act as “the death of fish or any permanent alteration to, or destruction of, fish habitat.”

Proponents are responsible for avoiding and mitigating *serious harm to fish* that are part of or support commercial, recreational or Aboriginal fisheries. When proponents are unable to completely avoid or mitigate *serious harm to fish*, their projects will normally require authorization under Subsection 35(2) of the *Fisheries Act* in order for the project to proceed without contravening the Act.

The Subsection 35(1) prohibition will be applied to those projects that have the potential to cause *serious harm to fish*. These projects are likely to reduce the ability of the fish habitat to directly or indirectly support the life processes of fish or result in the death of fish. Relationships between typical project impacts (e.g., temperature change, sedimentation, infilling, reduction of nutrients

<sup>6</sup> Fisheries and Oceans Canada, Canadian Science Advisory Secretariat, *Science Advisory Report: Science Advice to Support Development of a Fisheries Protection Policy for Canada*, 2012/063. [www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012\\_063-eng.pdf](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012_063-eng.pdf)

<sup>7</sup> See applicable federal and provincial statutes and regulations.

and food supply, etc.) and the consequences to fish or fish habitat are described in various Pathways of Effects diagrams.<sup>8</sup>

Projects requiring authorization are those likely to result in a localized effect to fish populations or fish habitat in the vicinity of the project. Localized effects may also lead to more widespread impacts on fish and fish habitat and, in turn, affect the ability of the area to produce fish. Box 1 provides considerations for understanding when *serious harm to fish* is likely to occur.

The Department interprets *serious harm to fish* as:

- the **death of fish**;
- a **permanent alteration** to fish habitat of a spatial scale, duration or intensity that limits or diminishes the ability of fish to use such habitats as spawning grounds, or as nursery, rearing, or food supply areas, or as a migration corridor, or any other area in order to carry out one or more of their life processes;
- the **destruction of fish habitat** of a spatial scale, duration, or intensity that fish can no longer rely upon such habitats for use as spawning grounds, or as nursery, rearing, or food supply areas, or as a migration corridor, or any other area in order to carry out one or more of their life processes.

### 8.3 Provisions for flow and fish passage (Sections 20 and 21)

The *Fisheries Act* includes sections that may require the provision of sufficient water and unimpeded passage for fish (Sections 20 and 21). In summary, these provisions:

- allow the Minister to request studies and evaluations related to obstructions or other things that may be hindering fish passage or harming fish;
- allow the Minister to request: the removal of or modifications to obstructions or things that are harmful to fish or impede flow or fish passage; the installation of fish-ways, screens and guards; or that sufficient water flow be provided for fish passage; or
- prohibit the damage or removal of fish-guards, fish-ways, and screens.

Projects that have the potential to obstruct fish passage, modify flow or result in the entrainment of fish may also cause *serious harm to fish*. In these situations, an authorization under Subsection 35(2) is required. The conditions of authorizations include avoidance, mitigation and offsetting measures to provide for fish passage around the obstructions. The conditions may also require water flows necessary to permit the free passage of fish and the need for fish-guards or screens over water intakes. The Minister must also consider the factors set out in Section 6 of the

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<sup>8</sup> Pathways of Effects diagrams are further described on the DFO website and in the glossary.



*Fisheries Act* prior to deciding whether to issue such an authorization or when the Minister makes a request under sections 20 or 21.

#### **8.4 Factors to be considered (Section 6)**

Section 6.1 of the *Fisheries Act* sets out the purpose of the fisheries protection provisions “to provide for the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries.”

Once it has been determined that a regulation will be made or a Ministerial power will be exercised, such as the issuance of a Subsection 35(2) authorization or a request to provide for fish passage or sufficient flow, the four factors in Section 6 of the *Fisheries Act* must be considered by the Minister. These factors establish a clear structure for the regulatory review process. The four factors in Section 6 are:

- a) *the contribution of the relevant fish to the ongoing productivity of commercial, recreational or Aboriginal fisheries;*
- b) *fisheries management objectives;*
- c) *whether there are measures and standards to avoid, mitigate or offset serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or that support such a fishery; and*
- d) *the public interest.*

Further guidance on how these factors should be considered is provided below.

##### *a) Contribution of relevant fish to the ongoing productivity of commercial, recreational or Aboriginal fisheries*

The contribution of relevant fish relates to the role of the fish and fish habitat affected by the project in the overall productivity of the commercial, recreational or Aboriginal fishery.<sup>9</sup> Ongoing productivity is the potential sustained yield of all fish populations and their habitat that are part of or support commercial, recreational and Aboriginal fisheries. Effects on productivity may be assessed using a variety of tools. In general, the metrics and level of detail used to provide estimates of impacts to productivity will depend on both the type and scale of the impact.

For projects with a low likelihood of causing impacts to productivity, or in which the impacts are relatively small, proponents only need to qualitatively document the key impacts and their

<sup>9</sup> Fisheries and Oceans Canada, Canadian Science Advisory Secretariat, Science Advisory Report: *Science Advice to Support Development of a Fisheries Protection Policy for Canada*, 2012/063, [www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012\\_063-eng.pdf](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012_063-eng.pdf)



associated links to components of productivity (e.g., growth, performance, survival, migration, and reproduction).

For projects likely to cause large-scale impacts on the quantity or quality of fish habitat, metrics of productivity should be chosen based on the type of impact. These include metrics of productivity related to habitat area or metrics related to components of productivity that are linked to the life cycle of the fish.

Very large-scale impacts that are likely to result in ecosystem transformation will require the most detailed estimates of impacts to productivity, likely involving quantitative fish population models.

Proponents are responsible for documenting and providing information such that an analysis describing the contribution of relevant fish may be undertaken. This analysis will help inform how the project may affect the relevant fisheries management objectives (factor 6b) and the amount and type of avoidance, mitigation and offsetting measures required (factor 6c).

#### *b) Fisheries management objectives*

Fisheries management objectives are the stated socio-economic, biological, and ecological goals for a fishery that are typically established by federal, provincial or territorial fishery managers. Other entities, including wildlife co-management boards established under land claims agreements may also set fisheries management objectives.

Fisheries management objectives may range from high-level objectives applying widely to multiple fisheries or fish stocks to objectives that are limited in scope to a specific fishery, stock or region. Where they exist, fishery-specific objectives found in federal, provincial, territorial or co-management board fishing plans will be considered foremost when making regulatory decisions related to the fisheries protection provisions.

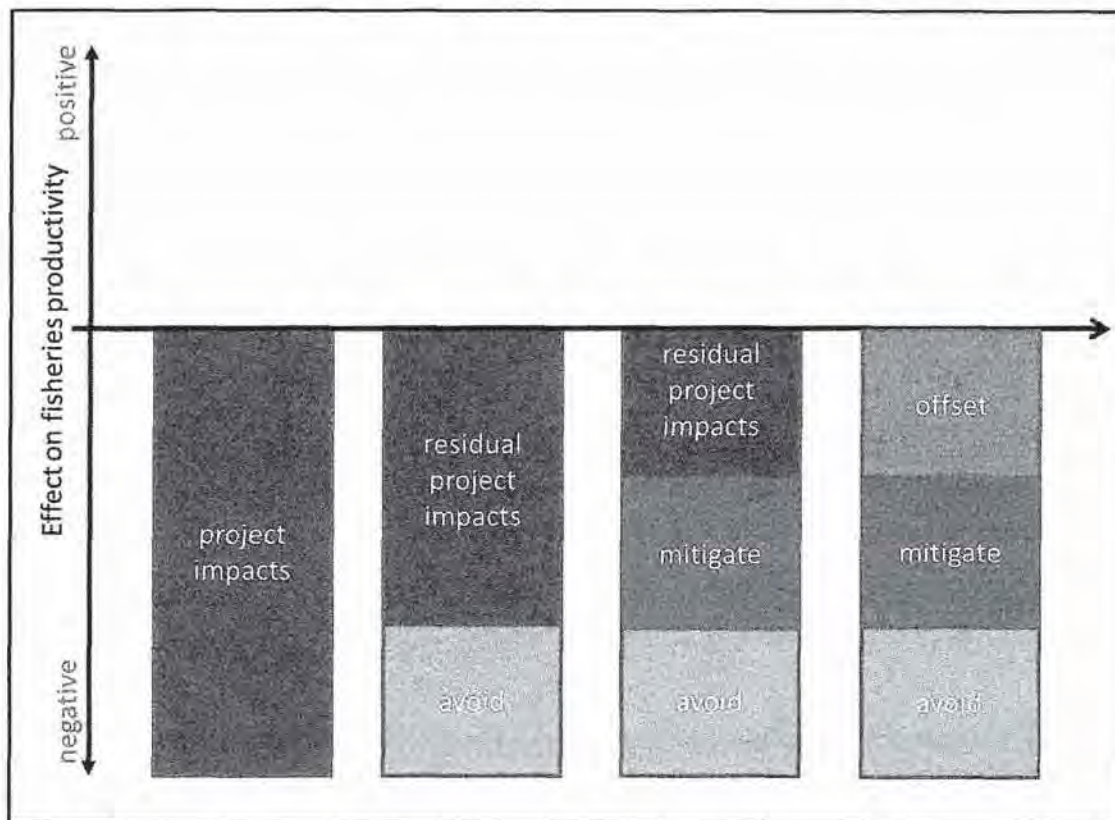
Where fishery-specific objectives do not exist, overarching strategies and policy objectives established by the Department or other fisheries managers should be considered. In areas where other entities manage the fishery, discussions with relevant authorities may also occur.

Where fisheries management objectives are available, proponents should consider and document how the impacts from their projects may affect fisheries management objectives. Proponents should also describe any effects their projects may have on the achievement of these objectives. Fisheries management objectives may guide proponents in the selection of any required avoidance, mitigation and offsetting measures (factor 6c).

#### *c) Measures or standards to avoid, mitigate, or offset serious harm to fish*

The Minister must consider whether measures and standards have been applied by proponents to avoid, mitigate or offset *serious harm to fish* that results from their projects. The fundamentals of “avoid, mitigate and offset” build on a hierarchy that is internationally recognized as a best

practice in reducing risks to biodiversity<sup>10</sup> (Figure 1). This hierarchy emphasizes that efforts should be made to prevent (avoid) impacts first. When avoidance is not possible, then efforts should be made to minimize (mitigate) impacts caused by the project in question. After these actions, any residual impacts would normally require authorization and should then be addressed by offsetting. A conceptual diagram of the hierarchy is provided in Figure 1.



**Figure 1. Conceptual diagram of the hierarchy.**

Projects can negatively affect fish and fish habitat (red boxes). Efforts should be made to avoid impacts first (grey boxes). When avoidance is not possible, then efforts should be made to mitigate impacts caused by the project in question (green boxes). After these actions, any residual impacts should then be addressed by offsetting (blue boxes). Note: the size of these boxes is for illustrative purposes only.

Fisheries dynamics and fish habitat functions are complex. It is much more difficult and expensive to repair or restore damaged ecosystems to maintain fisheries productivity than it is to avoid adverse impacts. For this reason, the Department emphasizes avoidance and mitigation as the main steps in the hierarchy, followed by offsetting as a means of last resort.

<sup>10</sup> References for the hierarchy of measures include: *Business and Biodiversity Offsets Programme*: [http://bbop.forest-trends.org/pages/mitigation\\_hierarchy](http://bbop.forest-trends.org/pages/mitigation_hierarchy) and the *IUCN/ICMM Independent report on biodiversity offsets*: [www.icmm.com/document/4934](http://www.icmm.com/document/4934).

Proponents will be required to demonstrate that measures and standards have been fully applied to first avoid, then mitigate, and then finally, offset any residual *serious harm to fish* that are part of or support commercial, recreational or Aboriginal fisheries. Measures to avoid, mitigate and offset, as well as requirements for monitoring and reporting, may be included as conditions of authorizations.<sup>11</sup> The policy interpretation of these measures is as follows:

#### ***Avoidance***

Avoidance is the undertaking of measures to completely prevent *serious harm to fish*. Avoidance measures may include locating infrastructure or designing a project or one or more of its components to avoid *serious harm to fish*. Careful timing of certain activities may also avoid harm to fish and fish habitat.

For some projects, *serious harm to fish* may be fully avoided while for others, *serious harm to fish* may only be partially avoided. When *serious harm to fish* cannot be fully avoided, mitigation measures should be undertaken.

#### ***Mitigation***

Mitigation is a measure to reduce the spatial scale, duration, or intensity of *serious harm to fish* that cannot be completely avoided. The best available mitigation measures or standards should be implemented by proponents as much as is practically feasible.

Mitigation measures include the implementation of best management practices during the construction, maintenance, operation and decommissioning of a project.

#### ***Offsetting***

After efforts have been made to avoid and mitigate impacts, any residual *serious harm to fish* should be addressed by offsetting. An offset measure is one that counterbalances unavoidable *serious harm to fish* resulting from a project with the goal of maintaining or improving the productivity of the commercial, recreational or Aboriginal fishery. Offset measures should support available fisheries management objectives and local restoration priorities.

Offset measures are actions taken after the application of avoidance and mitigation measures. They are intended to provide tangible conservation outcomes for fish and fish habitat that may reasonably be expected to counterbalance the loss of fish habitat and fisheries productivity as a result of the negative impacts of projects.

Offsetting measures could take a variety of forms ranging from localized improvements to fish habitat to more complex measures that address limiting factors to fish production. The choice of appropriate offsetting measures will be guided by threats to fisheries productivity and fisheries management objectives. In some instances, the most desirable offsetting measures may be a replacement of the same type of habitat that is affected by the project. In other situations, better

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<sup>11</sup> As set out in the *Application for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations*.



outcomes for fisheries may be achieved by undertaking offsetting in water bodies or for fish species other than those affected by the project. For example, improving access to off-channel habitats or the removal of anthropogenic barriers might be acceptable offsetting measures.

Proponents will be required to submit an offsetting plan to demonstrate that the measures and standards will be fully applied to first avoid, then mitigate, and finally offset any residual *serious harm to fish* that are part of or support commercial, recreational or Aboriginal fisheries. Proponents will also be required to demonstrate that the offsetting measures will maintain or improve the productivity of fisheries.<sup>12</sup>

#### *d) The public interest*

Finally, the Minister must take into account the public interest. In most cases, the public interest will be served through the consideration of the first three factors: a) the contribution of relevant fish; b) fisheries management objectives; and c) measures and standards to avoid, mitigate or offset *serious harm to fish*.

However, factor 6(d) *the public interest* allows the Minister to consider a range of issues deemed relevant to the well-being of society at a given place and time. These may range from issues related to economic development to long-term sustainable development to impacts on ecosystem goods and services. Discretion on how to apply this factor rests with the Minister.

Proponents may wish to document any information relevant to the public interest considerations.

### **8.5 Review and decision-making process**

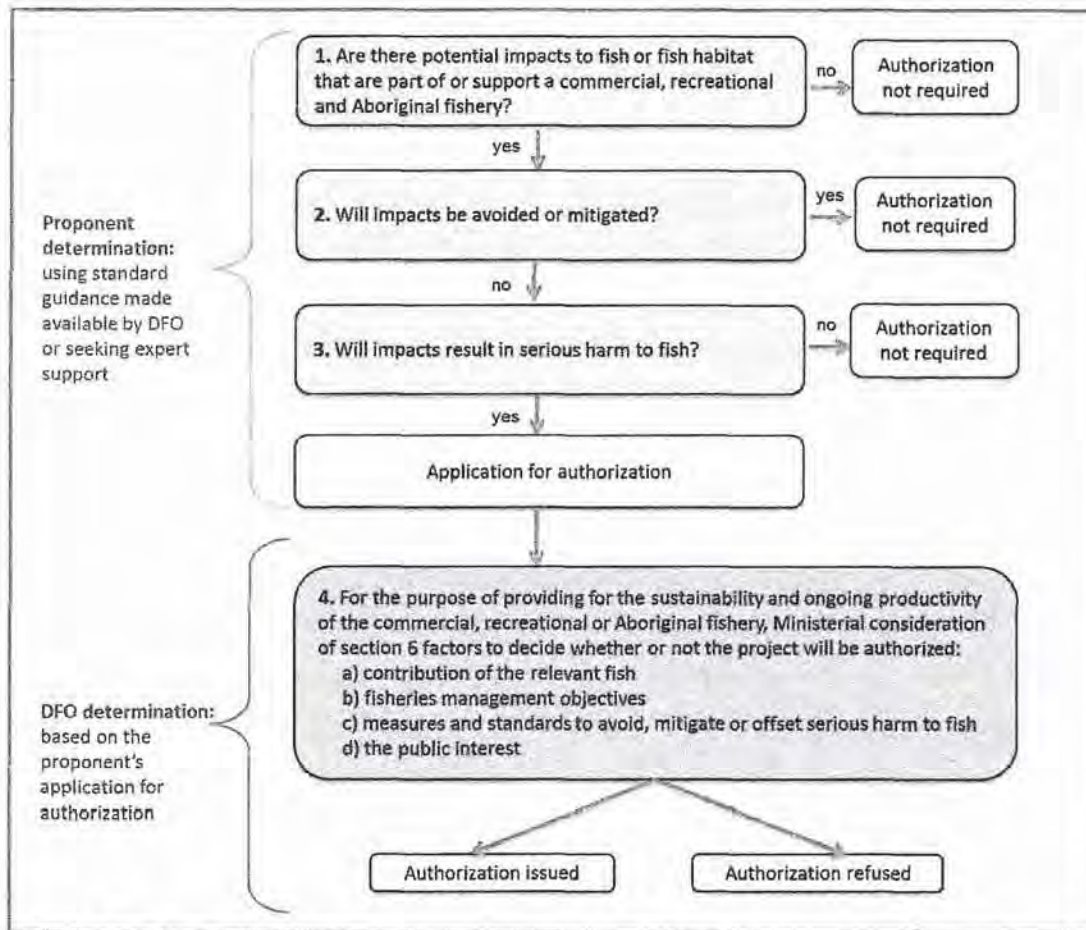
An overview of the review and decision-making process is provided in Figure 2. General advice on understanding when a regulatory review or *Fisheries Act* authorization is required is provided in Box 1 and in steps 1 to 3 of Figure 2. When a regulatory review is required, proponents should be prepared to gather detailed information about their project and its impacts, as outlined in Box 1. The information used to answer these questions will also help to satisfy some of the information requirements outlined in the *Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations*.

<sup>12</sup> As set out in the *Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations*.

**Box 1. When considering whether a project is likely to cause *serious harm to fish* and requires an authorization, proponents should identify:**

1. *Impacts to fish and fish habitat caused by the project:* For example, have all potential impacts been considered? Pathways of effects diagrams, available on the Department's website, may help proponents determine what kinds of impacts can be expected from typical developments.
2. *The expected duration of impacts:* For example, is the duration short enough that it does not diminish the ability of fish to carry out one or more of its life processes? It is important to note that, for many projects, the duration of impact will be longer than the duration of the work taking place in or near the water.
3. *The geographic scale of impacts:* For example, is the scale small enough that the disturbance will not displace fish that would otherwise be occupying the habitat?
4. *The availability and condition of nearby fish habitat:* Is the habitat that is being altered or destroyed the only habitat of its type and quality in the area of the project?
5. *The impact on the relevant fish:* For example, are the fish that are affected by the proposed project likely to experience increased mortality rates, increased stress and reduced fitness as a result of direct injury or reduced habitat function such that a localized effect on a fish population or stock is possible?
6. *Proposed avoidance and mitigation measures:* Will measures to avoid and mitigate *serious harm to fish* be applied such that all *serious harm to fish* is avoided? If so, an authorization is not required. If *serious harm to fish* remains after all avoidance and mitigation measures have been applied, an authorization may be required. Proponents should apply for an authorization following the *Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations*.





**Figure 2. Summary of the development proposal review and decision-making process.**

Using standard guidance made available by DFO, or by seeking expert advice as required, proponents are responsible for determining whether their projects are likely to require authorization and, if so, to apply for authorizations. DFO is responsible for reviewing applications for authorizations and determining whether or not to authorize the project, based on the consideration of Section 6 factors. The answers to the questions in steps 1 to 4 should be informed by the advice in the Fisheries Protection Policy Statement. More specifically, step 1 is informed by section 8.1 "Scope of the application of the prohibition"; steps 2 and 3 are informed by sections 8.2 "Serious harm to fish" and 8.3 "Provisions for flow and fish passage", and the material in Box 1 and step 4 is informed by the section 8.4 "Factors to be considered".

## 9. Requirements

### 9.1 General compliance

The Fisheries Protection Policy Statement is a guidance tool to help proponents comply with the fisheries protection provisions in the *Fisheries Act* and related regulations. This includes compliance with Section 35 of the *Fisheries Act*, all supporting regulations, all relevant operational directives, the terms and conditions of all Subsection 35(2) authorizations, and the

various duties specified in Section 38 (e.g., the duty to notify and to take corrective measures, etc.).

### **9.2 Additional powers of the Minister (Section 37)**

Section 37 of the *Fisheries Act* sets out the provisions that allow the Minister to request plans and specifications for projects that may result in *serious harm to fish*, and that allow the Minister to make orders to modify, restrict or close these projects.<sup>13</sup>

In addition, under Section 37, anyone proposing to carry out a project in an ecologically significant area, as defined in regulations, is required, upon request of the Minister or in circumstances set out in regulations, to provide information on their project to the Minister. If the project is likely to result in harm to fish in that area, the Minister may require modifications or restrict or stop the carrying on of that project for as long as necessary.

Before making decisions under Section 37 with regard to an offence under Subsection 40(1) or with regard to harm to fish, the Minister must consider the factors in Section 6 of the *Fisheries Act*.

### **9.3 Duty to notify (Section 38)**

The *Fisheries Act* imposes a series of obligations upon persons responsible for projects that lead to occurrences that result in *serious harm to fish* that are part of or support a commercial, recreational or Aboriginal fishery. There is a duty to notify an inspector<sup>14</sup> when this *serious harm to fish* is not authorized under the Act, or when there is a serious and imminent danger of such an occurrence.

Moreover, the *Fisheries Act* imposes duties to take corrective measures and to provide written reports when there are occurrences that may result in *serious harm to fish*. Failure to notify, take corrective measures or report in such situations may result in penalties.

An inspector or fishery officer has the authority to order the immediate action necessary to correct the situation and these actions may be at the expense of the person(s) identified as responsible. Those powers are designed to be used to maintain the productivity of commercial, recreational or Aboriginal fisheries when *serious harm to fish* has resulted from unplanned or unexpected situations for which the responsible person has not received an authorization prior to causing this harm or for which the *serious harm to fish* was greater than authorized.

<sup>13</sup> Section 37 also sets out other powers; however, the description in this policy statement is focused on those related to the fisheries protection provisions.

<sup>14</sup> Notifications must be provided to: an inspector; fishery officer; or a prescribed authority.

## **10. Consequences of non-compliance with the fisheries protection provisions**

There are consequences for non-compliance with the prohibition against carrying on any project that results in *serious harm to fish* or non-compliance with the conditions of an authorization. The *Fisheries Act* outlines minimum and maximum penalties, depending on different classes of offenders, type of offence, and whether it is a first or subsequent offence.

Imprisonment is also a possibility for repeat offences. Fines collected for convictions under the fisheries protection provisions are directed into the Environmental Damages Fund to use for proactive measures to enhance the conservation and protection of Canada's fisheries resources.

## **11. Monitoring and reporting**

The Department will monitor and report on progress toward meeting the objective of this policy statement through its performance measurement strategy and related reporting initiatives, as appropriate.

## **12. For more information**

For more information, please consult DFO's website ([www.dfo-mpo.gc.ca](http://www.dfo-mpo.gc.ca)).

### 13. Glossary

**Aboriginal, in relation to a fishery:** means that fish is harvested by an Aboriginal organization or any of its members for the purpose of using the fish as food, for social or ceremonial purposes or for purposes set out in a land claims agreement entered into with the Aboriginal organization. (Subsection 2(1))

**avoidance:** measures to completely prevent adverse impacts to fish and fish habitat.

**Canadian fisheries waters:** all waters in the fishing zones of Canada, all waters in the territorial sea of Canada and all internal waters of Canada. (Subsection 2(1))

**commercial, in relation to a fishery:** means that the fish is harvested under the authority of a licence for the purpose of sale, trade or barter. (Subsection 2(1))

**contribution (of relevant fish):** the role of the relevant fish or fish habitat in the overall productivity of a commercial, recreational or Aboriginal fishery that could be affected by a given project.

**destruction of fish habitat:** an elimination of habitat of a spatial scale, duration, and intensity that fish can no longer rely upon such habitats for use as spawning grounds, or as nursery, rearing, or food supply areas, or as a migration corridor, or any other area in order to carry out one or more of their life processes.

**Environmental Damages Fund:** a specified purpose account, administered by Environment Canada, to provide a mechanism for directing funds received as a result of fines, court orders and voluntary payments to priorities that will benefit the natural environment.

**fish:** includes (a) parts of fish, (b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals. (Subsection 2(1))

**fish habitat:** means spawning grounds and any other areas, including nursery, rearing, food supply and migration areas, on which fish depend directly or indirectly in order to carry out their life processes. (Subsection 2(1))

**fish that are part of:** fish that may be fished as part of a commercial, recreational or Aboriginal fishery.

**fish that support:** fish that contribute to the productivity of a commercial, recreational or Aboriginal fishery.

**fishery:** includes the area, locality, place or station in or on which a pound, seine, net, weir or other fishing appliance is used, set, placed or located, and the area, tract or stretch of water in or from which fish may be taken by the said pound, seine, net, weir or other fishing appliance, and



also the pound, seine, net, weir, or other fishing appliance used in connection therewith.  
(Subsection 2(1))

**fish-way:** means any device, work or other thing that provides for the free passage of fish, including a canal, a fish pump, a fish ladder, a fish elevator and a fish lock. (Subsection 2(1))

**mitigation:** measures to reduce the spatial scale, duration, or intensity of adverse effects to fish and fish habitat that cannot be completely avoided.

**obstruction:** means any slide, dam or other thing impeding wholly or partially the free passage of fish. (Subsection 2(1))

**offsetting:** measures to counterbalance *serious harm to fish* by maintaining or improving fisheries productivity after all feasible measures to avoid and mitigate impacts have been undertaken.

**ongoing productivity:** the potential sustained yield of all fish populations and their habitat that are part of or support commercial, recreational and Aboriginal fisheries.<sup>15</sup>

**Pathways of Effects:** diagrams developed by Fisheries and Oceans Canada as a tool to communicate potential effects of projects on fish and fish habitat. These diagrams describe, for a range of activities, the type of cause-effect relationships that are known to exist and the mechanisms by which stressors ultimately lead to effects in the aquatic environment. Each cause-and-effect relationship is represented as a line, known as a pathway, connecting the activity to a potential stressor, and a stressor to some ultimate effect on fish and fish habitat. Each pathway represents an area where avoidance and mitigation measures can be applied to reduce or eliminate a potential effect.<sup>16</sup>

**permanent alteration to fish habitat:** an alteration of fish habitat of a spatial scale, duration and intensity that limits or diminishes the ability of fish to use such habitats as spawning grounds, or as nursery, rearing, or food supply areas, or as a migration corridor, or any other area in order to carry out one or more of their life processes.

**prescribed authority:** a person designated by regulation for a specific role in the administration of a provision of the *Fisheries Act*.

<sup>15</sup> This definition builds on advice provided in: Fisheries and Oceans Canada, Canadian Science Advisory Secretariat, Science Advisory Report: *Science Advice to Support Development of a Fisheries Protection Policy for Canada*, 2012/063: [www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012\\_063-eng.pdf](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012_063-eng.pdf) and Fisheries and Oceans Canada, Canadian Science Advisory Secretariat, Research Document: *A science-based interpretation of ongoing productivity of commercial, recreational or Aboriginal fisheries*, 2012/112. [www.dfo-mpo.gc.ca/Csas-sccs/publications/resdocs-docrech/2012/2012\\_112-eng.pdf](http://www.dfo-mpo.gc.ca/Csas-sccs/publications/resdocs-docrech/2012/2012_112-eng.pdf)

<sup>16</sup> More detail can be found on the DFO website and in Fisheries and Oceans Canada, Canadian Science Advisory Secretariat, Research Document: *A science-based interpretation and framework for considering the contribution of the relevant fish to the ongoing productivity of commercial, recreational or Aboriginal fisheries*, 2012/141. [www.dfo-mpo.gc.ca/Csas-sccs/publications/resdocs-docrech/2012/2012\\_141-eng.pdf](http://www.dfo-mpo.gc.ca/Csas-sccs/publications/resdocs-docrech/2012/2012_141-eng.pdf)



**project:** one or more existing or proposed works, undertakings or activities.

**recreational, in relation to a fishery:** means that fish is harvested under the authority of a licence for personal use of the fish or for sport. (Subsection 2(1))

**regulatory partners:** those with whom the Department has established partnership arrangements for the administration of the fisheries protection provisions.

**relevant fish:** all fish that are involved (either as part of the fishery or in a supporting role) in a commercial, recreational or Aboriginal fishery, and that could be affected by a given project.

**riparian area:** the areas bordering on streams, lakes, and wetlands that link water to land. The blend of streambed, water, trees, shrubs and grasses directly influences and provides fish habitat.

**serious harm to fish:** the death of fish or any permanent alteration to, or destruction of, fish habitat. (Subsection 2(2))

**sustainability:** achieving a balance between the carrying out of current day activities while allowing for future generations of people to meet their needs related to fisheries.<sup>17</sup>

**watercourse:** a flowing water body, such as a river, stream, or creek, as well as watercourses that may be ephemeral, intermittent, temporary or seasonal in nature.

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<sup>17</sup> Fisheries and Oceans Canada, Canadian Science Advisory Secretariat, Science Advisory Report: *Science Advice to Support Development of a Fisheries Protection Policy for Canada*, 2012/063. [www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012\\_063-eng.pdf](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012_063-eng.pdf)

## 14. Appendices

### Appendix 1. Overview of the fisheries protection provisions of the *Fisheries Act*.

Provision	Intent
<b>Section 6</b>	<p><b>Factors</b> Once it has been determined that a Ministerial power will be exercised, the following four factors must be considered by the Minister:</p> <ul style="list-style-type: none"> <li>the contribution of the relevant fish to the ongoing productivity of commercial, recreational or Aboriginal fisheries;</li> <li>fisheries management objectives;</li> <li>whether there are measures and standards to avoid, mitigate or offset <i>serious harm to fish</i> that are part of a commercial, recreational or Aboriginal fishery, or that support such a fishery; and</li> <li>the public interest.</li> </ul> <p>Section 6 applies in these circumstances:</p> <ul style="list-style-type: none"> <li>before exercising any power under Subsection 20(2) or (3) or 21(1), Paragraph 35(2)(b) or (c) or Subsection 35(3), or under Subsection 37(2) with regard to an offence under Subsection 40(1) or with regard to harm to fish; or</li> <li>a regulation made in respect of Section 35 or under Paragraph 37(3)(c) or 43(1)(i.01) or Subsection 43(5).</li> </ul>
<b>Section 6.1</b>	<p><b>Purpose</b> This provision establishes the purpose of Section 6 and of the provisions set out in that section. The purpose is to provide for the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries.</p>
<b>Sections 20 and 21</b>	<p><b>Fish-ways</b> The Minister may take various steps to ensure the free passage of fish and to prevent harm to fish. For example, the Minister may request that obstructions be removed, that fish-guards be installed, that fish-ways be constructed and that minimal flows of water be maintained for the purposes of enabling the safe passage of fish around obstructions, barriers and dams.</p>
<b>Subsection 35(1)</b>	<p><b>Prohibition against causing serious harm</b> "No person shall carry on any work, undertaking or activity that results in <i>serious harm to fish</i> that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery." (<i>Fisheries Act</i>, Subsection 2(1))</p>
<b>Paragraph 35(2)(b)</b>	<p><b>Authorization</b> This provision allows the Minister to authorize, with conditions, a work, undertaking or activity that results in <i>serious harm to fish</i>.</p>
<b>Section 37</b>	<p><b>Additional powers of the Minister</b> Section 37 of the <i>Fisheries Act</i> is the provision that allows the Minister to request plans and specifications for projects that may cause <i>serious harm to fish</i> and to make orders to modify, restrict or close these projects. In addition, under Section 37, anyone proposing to carry on a work, undertaking or activity in an ecologically significant area (as defined in regulations) is required, on request of the Minister or in circumstances set out in regulations, to provide information on their project to the Minister.</p>

Provision	Intent
Section 38	<p><b>Duty to notify</b></p> <p>The <i>Fisheries Act</i> imposes a series of obligations upon persons who have the responsibility for projects that lead to occurrences that result in <i>serious harm to fish</i> or who cause or contribute to such occurrences. There is a duty to notify an inspector, fishery officer or a prescribed authority of any unauthorized <i>serious harm to fish</i> that are part of, or support, a commercial, recreational or Aboriginal fishery. Moreover, the <i>Fisheries Act</i> imposes duties to take corrective measures and to provide written reports when there are occurrences that may result in <i>serious harm to fish</i>.</p>

**Appendix 2. Overview of several regulation-making authorities related to the fisheries protection provisions of the *Fisheries Act*.**

Provision	Intent
<b>Subsection 35(3) (Ministerial) and Paragraph 43(1)(i.1) (GIC)</b> <b>For the purpose of 35(2)(a)</b>	<b>Authority to make regulations prescribing certain works, undertakings or activities and/or waters.</b> These provisions allow the Minister or the Governor in Council (GIC) to prescribe works, undertakings or activities and the conditions according to which they may be carried out or the waters in which they may be carried out. Works, undertakings or activities carried out in accordance with these regulations will not be in violation of the prohibition under Subsection 35(1).
<b>Subsections 37(1) and (2) and Paragraphs 37(3)(a) and 37(3)(b)</b>	<b>The authority to modify, restrict or prohibit works, undertakings or activities</b> Subsection 37(1) ensures that a person who carries on, or proposes to carry on, a work, undertaking or activity that results, or is likely to result, in <i>serious harm to fish</i> that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery can be required to take specified actions or provide specified information.  Subsection 37(2) allows the Minister to order modifications or restrict the carrying on of the work, undertaking or activity or, if necessary, to direct the closing of the work or undertaking or the ending of the activity for any period that the Minister considers necessary.  Regulations can be made under paragraph 37(3)(a) for prescribing the manner and circumstances in which any information or material shall be provided to the Minister without request under subsection (1). Regulations can also be made under paragraph 37(3)(b) for prescribing the manner and circumstances in which the Minister or a person designated by the Minister may make orders under subsection (2) and the terms of the orders.
<b>Paragraph 43(1)(i.01)</b>	<b>Exclusion of certain fisheries from definitions of commercial, recreational or Aboriginal fisheries</b> Governor in Council regulations can be developed to exclude certain fisheries from the definition of commercial, recreational or Aboriginal fisheries. Fisheries which have been excluded would no longer be subject to the prohibition set out in 35(1), or any other provisions that refer directly to a commercial, recreational or Aboriginal fishery.
<b>Subsection 43(5)</b>	<b>Exemption of certain waters from the application of certain provisions</b> Regulations can be developed which would exempt particular Canadian fisheries waters from the application of Sections 20, 21, 35, and Subsections 38(4).
<b>Paragraphs 43(1) (i.2) and (i.4)</b>	<b>Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations</b> These regulations set out the information the applicant must include in an application for authorization to the Minister of Fisheries and Oceans as well as the process and time limits that apply to the Minister for the review of the application and either to issue or to refuse to issue authorization.
<b>Paragraphs 43(1)(n) and (o) and subsections 43(2) to (4)</b>	<b>Control of Aquatic Invasive Species</b> The <i>Fisheries Act</i> provides for the development of a list of aquatic invasive species and of regulations to control aquatic invasive species.

Provision	Intent
Subsections 37(1.1) and 37(2), Paragraphs 37(3)(a) and (c)	<b>Ecologically Significant Areas</b> Governor in Council regulations may be used to designate ecologically significant areas. Subsequently, the Minister could require higher levels of protection in such areas, and project proponents would be required to submit for review plans of any work, undertaking or activity that are proposed within those areas.
Subsection 38(9)	<b>Duty to notify and take corrective measures</b> Governor in Council may make regulations necessary for or incidental to carrying out the purposes and provisions of section 38.
<b>Administrative agreements, equivalency and delegation with provinces</b>	
Section 4.1	<b>Administrative agreements with provinces</b> This allows for the Minister to enter into various types of agreements with provinces to further the purposes of the <i>Fisheries Act</i> .  The Governor in Council may make regulations establishing the conditions under which the Minister may enter into such agreements (under 4.1(3)).
Section 4.2 (Requires an agreement first (under 4.1))	<b>Equivalency with provinces</b> Provincial regulatory regimes can be recognized as equivalent to those established under the <i>Fisheries Act</i> where they meet or exceed federal regulatory or legislative requirements.
Paragraph 43(1)(i.3) for the purpose of 35(2)(c)	<b>Prescribing to others the authority to authorize</b> The <i>Fisheries Act</i> provides for Governor in Council regulations prescribing other decision-making authorities for the issuance of authorizations under paragraph 35(2)(c).



## Bell, Christina ENV:EX

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**From:** Minister, ENV ENV:EX  
**Sent:** Monday, November 5, 2012 12:44 PM  
**To:** 'min@dfo-mpo.gc.ca'  
**Cc:** Minister, ABR ABR:EX; Minister, AGRI AGRI:EX; Minister, FLNR FLNR:EX; 'claire.dansereau@dfo-mpo.gc.ca'; Carr, Steve EMNG:EX; Konkin, Doug FLNR:EX; Munro, Steve C ABR:EX; Shoemaker, Wes ENV:EX; Sturko, Derek AGRI:EX; Nikolejsin, Dave EAO:EX; 'elaine.feldman@ceaa-acee.gc.ca'  
**Subject:** Amendments to the Fisheries Act: Comments from Government of British Columbia Natural Resource Sector

Reference: 178939

*November 5, 2012*

The Honourable Gail Shea, PC, MP  
Acting Minister of Fisheries and Oceans  
Email: [min@dfo-mpo.gc.ca](mailto:min@dfo-mpo.gc.ca)

Dear Minister Shea:

On June 27, 2012, the federal government announced its intention to engage and consult with public and stakeholders over the summer and fall to develop the policy and regulatory framework to support changes to the *Fisheries Act* (the Act). On behalf of the British Columbia (BC) Government's Natural Resource Sector, we would like to express our desire to be formally involved in this process as soon as possible.

British Columbia recognizes that several changes under the Act will address issues that our province has been seeking to resolve for some time. We are pleased to see these changes and are looking forward to assisting with their implementation. These changes include:

- Economic benefits for BC's commercial fishing sectors. We support the development of mechanisms to allocate fish to fund science and management activities, but would like to understand how any broadening of the use of fish allocation will be managed to avoid harm to licensed fishing enterprises.
- Greater management of aquatic invasive species and introductions and transfers. BC is currently revising the Controlled Alien Species Regulation (under the *BC Wildlife Act*) to prohibit the possession, breeding and trafficking of high-risk aquatic invasive species. We hope to coordinate our efforts with yours and ensure federal and provincial legislation is complementary and well aligned.
- Greater efficiencies and clarification of each jurisdiction's roles through administrative and equivalency agreements and regulatory streamlining. This promises to reduce duplication and overlap in federal/provincial authority (such as wastewater effluent).
- Enhanced compliance and enforcement mechanisms that increase fines for offences, establish the ability to charge and set penalties, and clarify and expand powers of inspectors.

There are also areas where we have identified policy concerns and potential issues with the Act amendments. In the immediate term, these include the designation of commercial, recreational and Aboriginal fisheries and how to define the concepts of "ongoing productivity" and "permanent alteration." BC's concerns are outlined in detail in the attachment to this letter.

We appreciate the recent information meeting with Fisheries and Oceans Canada (DFO) ADM Kevin Stringer on September 4, 2012, and his presentation to the Canadian Council of Fisheries and Aquaculture Ministers on

September 6, 2012, which provided an overview of changes to the Act. These meetings provided an excellent forum to begin the conversation on future consultation opportunities. However, if formal consultation does not begin shortly, BC is concerned there will not be adequate time to meaningfully contribute to the development of policies and regulations in support of the Act. We are eager to work together, both in areas where we see increased opportunities for BC as well as areas where potential challenges exist, both federally and provincially.

Please have your staff contact the Deputy Minister for the Ministry of Environment, Wes Shoemaker, as the provincial lead for this engagement. The Ministry of Environment will coordinate the Natural Resource Sector approach and liaise with key contacts within the Province.

Thank you for your attention to these critical issues and we look forward to working together on this important matter.

Please give my best to Keith.

Sincerely,

Terry Lake  
Minister of Environment

Attachment: Policy Concerns and Potential Issues with *Fisheries Act* Amendments



Policy Concerns  
and Potential ...

cc: Honourable Ida Chong, Minister of Aboriginal Relations and Reconciliation  
Honourable Norm Letnick, Minister of Agriculture  
Honourable Steve Thomson, Minister of Forests, Lands and Natural Resource Operations  
Claire Dansereau, Deputy Minister, Fisheries and Oceans Canada  
Steve Carr, Deputy Minister, Ministry of Energy, Mines and Natural Gas  
Doug Konkin, Deputy Minister, Ministry of Forests, Lands and Natural Resource Operations  
Steve Munro, Deputy Minister, Ministry of Aboriginal Relations and Reconciliation  
Wes Shoemaker, Deputy Minister, Ministry of Environment  
Derek Sturko, Deputy Minister, Ministry of Agriculture  
Dave Nikolejsin, Associate Deputy Minister, Environmental Assessment Office  
Elaine Feldman, President, Canadian Environmental Assessment Agency

187893

Minister of  
Fisheries and OceansMinistre des  
Pêches et des Océans

ESD-EPS

Ottawa, Canada K1A 0E6

JAN 22 2013

The Honourable Terry Lake, M.L.A.  
Minister of Environment  
Government of British Columbia  
Parliament Buildings  
Victoria, British Columbia  
V8V 1X4

<b>MINISTER'S OFFICE – RECEIVED</b>			
<b>MINISTRY OF ENVIRONMENT</b>			
JAN 29 2013			
<input type="checkbox"/> Min Reply	<input type="checkbox"/> Reply Direct	<input checked="" type="checkbox"/> Data Reply	<input type="checkbox"/> Info/Files
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CLIFF#			

Dear Minister:

Thank you for your correspondence of November 5, 2012, taking the time to share your thoughts regarding the need for engagement concerning the policies and regulations needed to support amendments to the *Fisheries Act*.

The Province of British Columbia is an important partner in managing for sustainable fisheries and reducing administrative burden associated with natural resource development, both of which are priorities for Fisheries and Oceans Canada (DFO).

As you are aware, the Province of British Columbia and DFO have begun dialogue on these important issues at the recent Canadian Council of Fisheries and Aquaculture Ministers table. We have also initiated discussions with your officials and will continue those discussions as we advance our approach to implementing the new *Fisheries Act*.

In support of these discussions, I will have my officials contact Mr. Wes Shoemaker to discuss next steps. If Mr. Shoemaker has specific questions regarding the *Fisheries Act* or the planned engagement process, he may wish to contact Mr. Trevor Swerdfager, Assistant Deputy Minister, Program Policy, by telephone at 613-949-4919.

Thank you for taking the time to write.

Yours sincerely,

Keith Ashfield

Ministry of Environment Correspondence Unit
JAN 30 2013

Canada



Reference: 188890

MAR 11 2013

Matthew King  
Deputy Minister  
Fisheries and Oceans Canada  
200 Kent Street  
Ottawa ON K1A 0E6

Dear Mr. King: *Matthew*

I am following up on a recent meeting with Fisheries and Oceans Canada (DFO) Assistant Deputy Minister Trevor Swerdfager, Pacific Regional Director General Sue Farlinger and British Columbia (BC) Ministry of Environment and Ministry of Agriculture representatives concerning recent *Fisheries Act* amendments. We appreciate the confirmation of the importance of collaboration between our governments to establish the best possible regime for fisheries management in British Columbia.

BC Natural Resource Ministries are ready to provide coordinated input concerning potential implications of *Fisheries Act* amendments and draft regulations in BC. I understand the DFO is working toward bringing key regulations into force in July 2013. I am pleased to note that provincial staff have already been contacted by DFO Pacific Region and are ready to engage in discussions to inform the development of policies and regulations in March 2013.

BC presents a unique situation for fisheries management in Canada. BC has diverse fish populations, most of the province is not under treaty and our recreational fisheries management approach uses a low intensity management model that considers ecosystems as well as species. West Coast fisheries are an integral part of British Columbia's economy, local and First Nation culture and recreation. We take the management of this resource very seriously and recognize our shared responsibility to ensure the long term health of fish in British Columbia.

Our Natural Resource Ministries are assessing how changes to the *Fisheries Act* may affect fish and fish habitat in BC. We are developing our responses to the '10 Questions' tabled by the DFO at the November Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) Inland Fisheries Committee meetings. The priority areas of interest to BC overlap with the first three questions posed by the DFO: defining recreational and aboriginal fisheries, serious harm, and ongoing productivity. Some of our initial interests and concerns are outlined in the enclosed table.

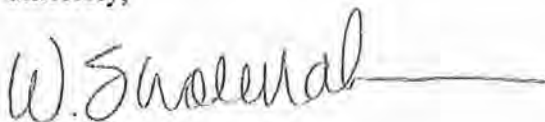
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- 2 -

BC has a broad interest in fish, aquatic environments and in all fisheries within the province, both freshwater and marine. We have focused our comments on freshwater recreational fisheries in the enclosed table as we are concerned they are at risk of losing habitat protection under the new *Fisheries Act*. All of the components in the combined fisheries and seafood sector contribute significantly to the socio-economic well-being of BC, and are an important heritage to protect. BC is committed to conserving fisheries and maximizing the socio-economic benefits from fisheries. This is done in close collaboration with the Government of Canada.

Continued consultation and collaboration between our governments is essential to establish the best possible approach to fisheries management. On behalf of all British Columbia resource management agencies, we look forward to engaging in these discussions with you and your staff in the near future.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W. Shoemaker', followed by a horizontal line.

W.H. (Wes) SHOEMAKER  
Deputy Minister

Enclosure

cc: Steve Carr, Deputy Minister, Ministry of Energy, Mines and Natural Gas  
Doug Konkin, Deputy Minister, Ministry of Forests, Lands and Natural Resource  
Operations  
Steve Munro, Deputy Minister, Ministry of Aboriginal Relations and Reconciliation  
Derek Sturko, Deputy Minister, Ministry of Agriculture  
Pierrette Maranda, Associate Deputy Minister, Intergovernmental Relations Secretariat  
Dave Nikolejsin, Associate Deputy Minister, Environmental Assessment Office  
Bob Hamilton, Deputy Minister, Environment Canada  
Sue Farlinger, Pacific Regional Director General, Fisheries and Oceans Canada



**Table 1. DRAFT BC Interests, Context, and Advice Concerning *Fisheries Act* Amendments**

BC Interests	Context	Advice
<b>Defining Commercial, Recreational, and Aboriginal (CRA) Fisheries</b>		
Defining Aboriginal fishery	Modern BC treaties include the right to fish for all species.	s.13, s.16
BC has an interest in all fisheries within the province, both freshwater and marine. Comments are focused on freshwater recreational fisheries as we view these most at risk of losing habitat protection under the new Act.	New federal focus on fisheries is very different from BC's ecosystem focused fisheries management approach. Criteria for determining a recreational fishery should align with BC's fisheries management approach.	
Does the term 'harvested' in relation to a fishery include catch and release fisheries? Since the fish are not kept, are they considered 'harvested' and therefore included in the new definition of recreational fishery?	Catch and release is a BC fisheries management tool and is used for species or runs of a desirable sportfish that need more protection (e.g. variable and low numbers) and would benefit from protection under the <i>Fisheries Act</i> . British Columbia's approach to recreational fisheries is based on less intensive management and often a reliance on catch and release to address conservation concerns and meet the social goals of high catch success. The definition of recreational fishery may indicate a very different approach federally and could be difficult to align with the BC approach.	
Clarification on the definition of 'fish that support a fishery.'	s.13, s.16	
Clarification on protection of future fisheries in the definition of recreational fisheries.	When there is not a substantial fishery on a body of water, there is a difference between a pristine fishery (low use or	

Table 1. DRAFT BC Interests, Context, and Advice Concerning *Fisheries Act* Amendments

BC Interests	Context	Advice
	<p>difficult access), and no fishery potential (water quality/quantity does not produce fish).</p> <p>For example, development could create access and a new fishery could develop as a result; or habitat could be restored such that a fishery could be supported in the future. We would like to see waters that could support a recreational fishery protected, even if there is no current recreational fishery taking place.</p>	
Will there be changes to existing regulations under the <i>Fisheries Act</i> ?	The current management of activity on BC lakes relies heavily on the federal regulations. The Province may need to create new regulatory authorities in order to effectively manage activities on BC lakes. E.g. BC Sportfish Regulations (related to motor use in lakes, list of game species).	
<b>Defining Serious Harm</b>		
The definition of serious harm references only permanent alterations or disruptions to fish habitat. We understand the desired outcome of reducing time and resources spent dealing with low risk activities (e.g. drainage maintenance in agricultural areas), but we are concerned that habitat protection goals will be compromised by excluding all temporary alterations or disruptions from consideration.	Alterations that may be considered temporary can represent significant loss of economic, cultural, recreational and ecosystem values. Long term impacts may not be measurable, as ecosystem state may shift. The temporary nature of an impact is often subjective and challenging to define in practice. For example, a stream where riparian vegetation is removed - the stream temperature increases, causing bull trout to avoid what was previously good bull trout habitat. The riparian vegetation eventually	

s.13, s.16

**Table 1. DRAFT BC Interests, Context, and Advice Concerning *Fisheries Act* Amendments**

BC Interests	Context	Advice
	grows back but the population of bull trout may never re-establish in that stream, especially in areas where bull trout populations are already becoming fragmented due to increasing water temperatures and declining stream flows.	
Clarification on expectations of how to prove the ‘death of a fish’ in relation to serious harm.	Fish numbers can and do decline sharply without direct visual evidence of fish death. It is difficult to collect evidence of fish death, especially if time has passed since the incident (fish carcasses are quickly consumed, sink, drift, rot, etc.). In addition, what if fish are indirectly affected through their prey or loss of habitat? Linking the cause of fish death to an action or activity can be difficult to prove.	s.13, s.16
The test for measuring serious harm is difficult; any measure is likely to be predominantly about fish habitat.	Measures of serious harm are likely to be predominantly about fish habitat. Habitat is a crucial factor in the health of a fishery. Field assessments of habitat attributes are practical and have generally well established and broadly accepted methodologies.	
We would like to see how the shift towards a species rather than habitat based approach will affect DFO’s No Net Loss (NNL) Policy. We have seen it captured under ‘harmful alterations’ under the previous version of the Act. Will it be dealt with through regulations or policy?	We recognize NNL did not fully achieve its intended goals, but it does provide a means of addressing direct and cumulative effects and maintaining aquatic productivity. How will offsets and mitigation be addressed in a new policy? How will cumulative effects be managed	

**Table 1. DRAFT BC Interests, Context, and Advice Concerning *Fisheries Act* Amendments**

BC Interests	Context	Advice
	or tracked?	
In the current definition of serious harm 'alteration' does not have a negative connotation, whereas in the past it did through the term 'harmful alteration.'	This could be positive or negative depending on the interpretation. For example, would restoration involving a permanent alteration require an authorization? Would this affect farming practices?	
We would like to understand how cumulative effects will be addressed?	It was captured under 'harmful alterations' in the previous version of the Act.	
<b>Defining Ongoing Productivity</b>		
Fundamental disconnect between 'serious harm' and 'ongoing productivity'	Achieving ongoing productivity will be significantly compromised by a definition of 'serious harm' that is based solely on permanent alterations to habitat.	
Defining ongoing productivity in practice is a challenge	Many possible ways to define ongoing productivity such as growth rate, population abundance or biomass, eggs per recruit, food web supporting fishery, change in mortality rate, or loss of sensitive life stages or habitats. There are many options, but to measure these on the ground is difficult and costly. Very little stock assessment has been done broadly; therefore using catch rate is not realistic.	

s.13, s.16

**Table 1. DRAFT BC Interests, Context, and Advice Concerning *Fisheries Act* Amendments**

BC Interests	Context	Advice
Clarification regarding the definition of ongoing productivity. Is the goal to maintain productivity or to increase productivity where appropriate?	What about the common situation where the productivity of a fishery has already been affected, so the potential productivity is much higher than the current state. Will the regulations and policies encourage increasing productivity in these situations?	s.13, s.16
What about activities that may increase ongoing productivity? We assume that productivity is meant to refer to fish production more broadly; however nutrient levels may also be a factor.	BC has been working on a provincial Agriculture Waste Control Regulation with the intent of keeping nutrients out of streams. How will <i>Fisheries Act</i> regulations address situations where productivity has increased as a result of agricultural runoff?	
What if there is no current harvest of a fish population, but there is potential opportunity for a future fishery?	If recreational fish species are present and there is potential for a fishery, but there is no current harvest, will ongoing productivity still be a consideration of the Minister when authorizing serious harm?	
Clarification about regulations under section 6, where the Act states that the Minister <i>shall</i> consider certain factors (including ongoing productivity) before issuing authorizations. Does the word 'shall' imply these considerations are discretionary? The term 'must' is not used.	Black's Legal Dictionary notes that 'shall' is generally considered to be an imperative in legislation and inconsistent with discretion.  However, it also notes that sometimes 'shall' is interpreted to mean 'may'.	
Under section 6, how will the factors that the Minister shall consider be balanced (e.g. ongoing productivity and the public interest)?	We recognize the importance of economic benefits, but are concerned they may 'trump' conservation and sustainable use concerns.	



**Table 1. DRAFT BC Interests, Context, and Advice Concerning *Fisheries Act* Amendments**

Reducing productivity: does the burden of proof lie with the regulators/agencies or with a proponent to prove or disprove impacts?	The change to a “productivity” focus, as opposed to a habitat focus entails significant increases in assessment costs, along with increased uncertainty.
There is a strong need to have effective dialogue and to facilitate this consultation through existing forums (i.e. Partnership Committee on Agriculture and the Environment) with all affected stakeholders and provincial agencies.	Reduce duplication in effort and combine resources to work together. Develop a mechanism which informs the development of effective provincial policy. Alignment with all interested agencies and industry partnerships to better define and interpret provincial and industry expectations.

s.13, s.16



Reference: 195169

MAY 13 2013

Ray O'Flaherty  
Legislation and Regulatory Affairs  
Fisheries and Oceans Canada  
200 Kent Street  
Ottawa Ontario K1A 0E6

Dear Mr. O'Flaherty:

I appreciate the opportunity to submit comments in response to the 'Application for Authorization under Paragraph 35(2)(b) of the *Fisheries Act* Regulations' posted on Canada Gazette 1, April 13, 2013, on behalf of the British Columbia Natural Resource Ministries.

In our discussions with Fisheries and Oceans Canada (DFO) staff we were made aware of several supporting documents that were developed relating to *Fisheries Act* changes, including a policy discussion paper and a number of scientific papers that define key concepts such as *serious harm* and *ongoing productivity*. We requested copies of those documents in previous communications and would have benefited from reviewing them in advance of providing comments on the regulation. Although DFO's supporting documents were released on May 6, 2013, comments provided here were developed without an appreciation of the additional material that has since been made available. We intend to provide additional comment on the supporting documents at a later date.

We would like to emphasize that the short timelines outlined by DFO for provincial review of a large volume of material in support of multiple simultaneous proposals for regulatory changes to the *Fisheries Act* (others include Aquatic Invasive Species and Release of Aquaculture Substances) have challenged our province's ability to confidently understand the proposed changes and respond on behalf of all affected ministries and programs. Given the likely requirement for changes to provincial regulations and related operational repercussions, we are concerned there is not enough time to have thoughtful discussions on the unique circumstances in British Columbia and we will not be prepared for the *Fisheries Act* regulations to come into force July 1, 2013.

Within the 30-day time frame for DFO's review, we have summarized our comments and questions on the regulation in the enclosed table. We request the opportunity to review any additional guidance documents that DFO develops to assist with the implementation of this regulation and align federal and provincial approaches.

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- 2 -

Thank you for the opportunity to review and comment on the Application for Authorization Regulation. We look forward to hearing from you. If you have any questions, please contact Mr. Anthony Danks, Executive Director of Strategic Policy for the BC Ministry of Environment, at 250 387-8483 or by email at [Anthony.Danks@gov.bc.ca](mailto:Anthony.Danks@gov.bc.ca).

Sincerely,



W.H. (Wes) SHOEMAKER  
Deputy Minister

Enclosure

cc: Bob Hamilton, Deputy Minister, Environment Canada  
Steve Carr, Deputy Minister, Ministry of Energy, Mines and Natural Gas  
Steve Munro, Deputy Minister, Ministry of Aboriginal Relations and Reconciliation  
Dave Peterson, A/Deputy Minister, Ministry of Forests, Lands and Natural Resource Operations  
Derek Sturko, Deputy Minister, Ministry of Agriculture  
Pierrette Maranda, Associate Deputy Minister, Intergovernmental Relations Secretariat  
Dave Nikolejsin, Associate Deputy Minister, Environmental Assessment Office  
Anthony Danks, Executive Director, Strategic Policy Branch, Ministry of Environment  
Sue Farlinger, Pacific Regional Director General, Fisheries and Oceans Canada  
Cathy Gee, Habitat Program Policy Branch, Fisheries and Oceans Canada  
Nick Winfield, Director Habitat Program Policy Branch, Fisheries and Oceans Canada

**Table 1. BC Review Comments: Application for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations as posted in Canada Gazette 1 April 13, 2013**

Section	Context	Question or Advice
General	Considering the importance given to Fisheries Management Objectives in the new Act it is surprising that they are not mentioned in this Regulation.	How will Fisheries Management Objectives be linked to this Regulation?
General	Consistency of terminology throughout the regulation.	s.13, s.16
Authorization 3.(1)(b)	Re: Letter of credit to cover costs of implementing the offsetting plan. Costs are often underestimated by proponents, especially for larger projects.	Will guidance be developed outlining what a proponent should consider when estimating the cost of offsetting? Will criteria be developed to review costing? s.13, s.16
Time limit ceases to apply 7.(1)(d)	Re: Consultation required	What is the breadth of consultation (e.g., Public, stakeholder, First Nation) on determining if an authorization can be issued or refused?
<i>Schedule</i> Location 5.	Impacts from projects requiring an authorization may extend beyond the project area.	s.16, s.13
<i>Schedule</i> Description of Fish and Fish Habitat 7. General	Terminology: more guidance is needed by what is meant by 'characteristics of the water source' and 'water body.' Recreational Fisheries definition CRA definition Data describing fish and fish habitat that will be submitted by proponents is valuable and there is an opportunity to outline consistent collection and reporting procedures to maximize the usefulness	Depending on the actual working definition, BC and DFO may not have the same fish/species included, how will this be resolved? Aquaculture; given that aquaculture is now defined as a fishery in BC, is it to be included as a CRA fishery? s.13, s.16

**Table 1. BC Review Comments: Application for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations as posted in Canada Gazette 1 April 13, 2013**

Section	Context	Question or Advice
	of the data to federal and provincial governments.	s.13, s.16
	DFO is developing a Guidance document to support this regulation.	
	BC would like to see the scale of the proposed projects considered.	Will P/Ts have the opportunity to review and provide input on this Guidance document?
	Timelines are tight, as proposed, to review large projects.	
<i>Schedule</i> Description of Fish and Fish Habitat 7. (c)	Re: estimates of fish abundance To understand the potential impacts it is important to have more information about fish populations. The level of detail should be proportional to the risk of the project.	s.13, s.16
<i>Schedule</i> Description of Effects on Fish and Fish Habitat	Refer to section 7 comments re: terminology.	
8. General	What is meant by 'elsewhere' (location of the proposed work, undertaking or activity and elsewhere). How far does this extend?	



**Table 1. BC Review Comments: Application for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations as posted in Canada Gazette 1 April 13, 2013**

<i>Schedule</i> Description of Effects on Fish and Fish Habitat 8. (2)	How 'serious harm' will be interpreted requires more description in order to understand what is likely to cause serious harm on the ground.	
<i>Schedule</i> Measures and Standards to Avoid or Mitigate Serious Harm to Fish 9 -11	Where will the measures and standards come from? The term 'standards' is used more formally in BC. Refer to measures/standards and objectives – how do they relate to serious harm?	s.13, s.16
<i>Schedule</i> Measures and Standards to Avoid or Mitigate Serious Harm to Fish 10-11	What is the predicted/desired outcome?	
<i>Schedule</i> Measures and Standards to Avoid or Mitigate Serious Harm to Fish 9-12	More description is needed in relation to how to approach avoidance and mitigation and how to determine if there is residual serious harm.	How will measures and standards relate to serious harm?
<i>Schedule</i> 9-13	There is a lot of repetition in these sections.	s.13, s.16
<i>Schedule</i> Offsetting Plan 13. General	Provincially led Environmental Assessments where a project could result in serious harm to fish and fish habitat, and may require an authorization and offsetting plan.	If not on the provincial Environmental Assessment Working Group how will DFO provide guidance to the provincial Environmental Assessment process on determining if an authorization or offsetting plan is required (e.g., if an offsetting plan is required at a conceptual level during the Environmental Assessment)?
	The level of input DFO will have in the development of an offsetting plan.	Will the proponent get to talk to DFO about whether an offsetting plan is needed? Will there be back and forth discussions with the proponent?
<i>Schedule</i> Offsetting Plan 13.(a)	Measures and standards, same as Section 9.	What will be required in terms of analysis of effectiveness? What evidence will be required that the plan will work?



Reference: 195536

MAY 29 2013

Nick Winfield  
Director Habitat Program Policy Branch  
Fisheries and Oceans Canada  
200 Kent Street  
Ottawa Ontario K1A 0E6

Dear Mr. Winfield:

Thank you for the opportunity to submit comments in response to the discussion paper entitled 'Implementing the New Fisheries Protection Provisions under the *Fisheries Act*' (April 2013) distributed for review May 6, 2013. These comments are submitted by the BC Ministry of Environment on behalf of the British Columbia natural resource ministries.

As you can appreciate, because of the timing of the release of the discussion paper, we were not able to cross-reference the information contained within when commenting on the regulation. We believe BC's provincial response would have benefited from an appreciation of the policy discussion paper.

With another condensed timeline for review, the natural resource ministries have not had time to fully analyse and understand how DFO's policies would work within the context of the proposed *Fisheries Act* regulatory amendments, organizational changes within DFO, or BC's current legislation, regulation and programs for related provincial ministries and programs.

Initial high level review of the policy discussion paper have highlighted concerns regarding the definition of "serious harm" and the ability of the revised *Fisheries Act* to address cumulative effects. There is currently substantial integration between federal and provincial programs for management and authorization of fisheries and impacts to fisheries in BC, and we are unclear how these shared roles will be defined going forward.

In addition, we have not yet had time to complete a full legal review of the potential changes to provincial legislation and regulations. Without clarification on these key issues and further discussion with DFO around more specific concerns and questions identified in the attached table, we are not confident that the province will be able to successfully support the federal government's current timelines for the *Fisheries Act* regulations to come into force July 1, 2013.

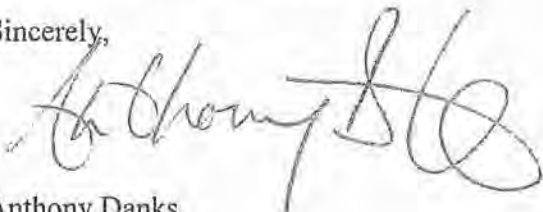
.../2

-2-

It would be in the interest of both BC and Canada to have provincial review of any additional guidelines or policy documents that DFO has to further assist with the implementation of the regulation and align federal and provincial approaches.

Thank you for the opportunity to review and comment on the Discussion Paper. We look forward to hearing from you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Anthony Danks', with a stylized flourish at the end.

Anthony Danks  
Executive Director

Enclosure

cc: Andrew Wilson, Director, Ministry of Forests, Lands and Natural Resource Operations  
Lynn Beak, Executive Director, Ministry of Aboriginal Relations and Reconciliation  
Barron Carswell, Senior Manager, Ministry of Agriculture  
Karen Koncohrada, Executive Director, Ministry of Energy, Mines and Natural Gas  
Michelle Carr, Executive Director, Environmental Assessment Office  
Paul Craven, Executive Director, Intergovernmental Relations Secretariat  
Sue Farlinger, Pacific Regional Director General, Fisheries and Oceans Canada  
Cathy Gee, Habitat Program Policy Branch, Fisheries and Oceans Canada

**Table 1. BC Review Comments: Implementing the New Fisheries Protection Provisions under the *Fisheries Act* Discussion Paper**

Document Section	Context	Question or Advice
Overall Comments	Consultation process on policy and implementation of regulation	We would like to emphasize that the short timelines outlined by DFO for provincial review of a large volume of material in support of multiple simultaneous proposals for regulatory changes to the <i>Fisheries Act</i> (others include Aquatic Invasive Species, and Release of Aquaculture Substances) have challenged our BC's ability to confidently understand the proposed changes and respond on behalf of all affected Ministries and programs. Given the likely requirement for changes to provincial regulations and related operational repercussions, we are concerned there is not enough time to have thoughtful discussions on the unique circumstances in British Columbia and we will not be prepared for the <i>Fisheries Act</i> regulations to come into force July 1, 2013.
	Impacts to policy and guidance documents based on old <i>Fisheries Act</i> .	<p>In 2005 DFO, AAFC and the Ministry of Agriculture developed the Drainage Management Guide. It is a supplemental document to the Environmental Farm Plan Reference Guide. The document outlines information on the approval process that farmers and local governments could follow to do maintenance work on constructed ditches and channelized streams with fish habitat. In addition there were 18 factsheets included in the document that outlined Best Management Practices.</p> <p>This documentation will have to be updated with the regulatory changes proposed by DFO. The Habitat and Farmland Committee would typically deal with this, as a working committee that reports to the Partnership Committee on Agriculture and the Environment.</p> <p>MOE, FLNRO and DFO will need to engage with this Committee to review and update the documentation as appropriate. There is pressure from the agriculture community and local governments to provide better direction and to simplify the process for conducting drainage maintenance. DFO needs to acknowledge this in their work planning and contact us on the issue at the appropriate time.</p>
1. Introduction	Developing operational guidance and a New Fisheries Protection Policy and incorporating comments received.	<p>How will guidance be informed by the particular circumstances unique to BC?</p> <p>Will the province have a reasonable opportunity to review and provide feedback on the operational guidance document and the new fisheries protection policy prior to its release?</p>
2. Managing Threats to Canada's		

Document Section	Context	Question or Advice
Fisheries		
3.1 Overview of the New Fisheries Protection Provisions of the <i>Fisheries Act</i>	Definition of “fisheries”	Reinforces provincial concern that fisheries is too narrowly defined by placement of gear and limits protection to waters that are not actively fished. What about future fisheries?
	Reduced duplication of federal / provincial review process through greater use of best-place partnerships	While we can agree that duplication is unnecessary we are not sure what this means. What is the desired division of responsibilities? Does this mean divesting federal responsibility to the province? If so what are the resources that will accompany this transition? Who are party to these partnerships?
3.2 Purpose of the New Fisheries Protection Provisions		
3.3 The Prohibition Against <i>Serious Harm to Fish</i>	General	Need guidance/guidelines for what will ‘likely result in serious harm to fish’ and methods for ‘quantification of the serious harm to fish.  The strict definition limits the application of the prohibition and leaves those concerns that are not “serious” to the province.
	Statement: “ <i>The amended fisheries protection provisions will effectively combine these into a single new prohibition...</i> ”	The statement refers to the combining the old section 32 on killing of fish by a means other than fishing and old section 35(1) on habitat-related impacts. However, there is no explicit mention of habitat in the revised section 35(1), therefore no clear and unambiguous combination of the different sources of impact to fish formerly covered historically under the <i>Fisheries Act</i> .  While harmful effects on fish very often are habitat related, the loss of explicit links between fish and harmful alterations to their habitat(s) is a significant concern. We would like clarity/ certainty on how this will be addressed.
	DFO’s No Net Loss (NNL) Policy	We would like to understand how the shift towards a species rather than habitat based approach will affect DFO’s No Net Loss (NNL) Policy. Does the policy still apply?



Document Section	Context	Question or Advice
3.3.1 Definition of <i>Serious Harm to Fish</i>	General	s.13, s.16
		s.13, s.16
	"Duration of alteration", "diminishes the ability"	How is duration defined, how is diminished defined? Is there guidance to support this? This will differ between sites and species. Likely this will require a legal definition as HADD has case law that has defined the scope.
	"fish can no longer rely on this habitat to carry out one or more of their life processes."	Is there guidance to support this?
	Type of "alteration"	In the current definition of serious harm 'alteration' does not have a negative connotation, whereas in the past it did through the term 'harmful alteration.'
	Concerns for non-permanent alterations	s.13, s.16

Document Section	Context	Question or Advice
		<p>s.13, s.16</p>
	<p><i>The death of fish</i></p>	<p>Need clarification on expectations of how to prove the 'death of a fish' in relation to serious harm.</p> <p>Fish numbers can and do decline sharply without direct visual evidence of fish death. It is difficult to collect evidence of fish death, especially if time has passed since the incident (fish carcasses are quickly consumed, sink, drift, rot, etc.). In addition, what if fish are indirectly affected through their prey or loss of habitat? Linking the cause of fish death to an action or activity can be difficult to prove, making enforcement actions difficult.</p> <p>Dead fish observed are typically a small fraction of those killed or those adversely affected sub-lethally to the point that even near-term survival is compromised. Therefore, the level of impact on a population is likely to be underestimated.</p> <p>Fish killed as a consequence of alterations to their habitat/ecosystem, indicate that the ecological impacts and habitat alterations are severe. Habitats and ecosystems need to be managed in an appropriate and preventive way to avoid this situation.</p>
	<p><i>The destruction of fish habitat as an elimination of habitat such that fish can no longer rely on this habitat to carry out one or more of their life processes</i></p>	<p>By the time this level of impact is recognizable, habitat/ecosystem alterations may still be sufficient to cause substantive impacts to populations, stocks, or species.</p>

Document Section	Context	Question or Advice
	Unique circumstances not accounted for in definition.	s.13, s.16
	Cumulative effects	<p>We would like to understand how cumulative effects will be addressed? It was captured under ‘harmful alterations’ in the previous version of the Act, but now it is not clear in the new version.</p> <p>Addressing cumulative impacts is of concern for the province as a series of “non serious” impacts can lead to a substantial impact cumulatively.</p>
3.3.2 Protected fish and their habitats under the prohibition	Recreational Fishery	<p>The notion of “HARVESTED” infers that recreational fisheries such as those for wild steelhead are not part of the language for “recreational fisheries” as defined above. This is not the situation in BC.</p> <p>Does “<i>harvested</i>” also cover fisheries such as wild-stock steelhead recreational fisheries in BC where catch and release is mandatory? If so, this should be made explicit. Recommend revisions to the statement in question.</p>
	Aboriginal Fishery	<p>For provincially and federally coordinated environmental assessments (EAs) what guidance will DFO provide the Environmental Assessment Office (EAO) and proponents in effectively assessing potential effects to each fishery? Would additional First Nation and stakeholder consultation be required?</p> <p>In BC most Aboriginal rights to fish are asserted, not proven. Historic treaties are not clear as to what fish species may be included in the treaty fishery. However, the trend in recent court cases, as well as the wording in all the modern</p>

Document Section	Context	Question or Advice
		treaties, is that all fish species (using the definition of fish in the <i>Fisheries Act</i> ) are included in an Aboriginal or treaty right to fish. Does DFO intend to impose some limitations to this in the future, and if so how?
	Fish that are part of, or support these fisheries	<p>Other food types, not just fish, also support these fisheries.</p> <p>Species of fish that help sustain populations of fish that are part of a fishery are part of a complex aquatic community that depend on ecologically functional habitats. Habitat management and protection is a far more efficient way to manage and sustain these key ecological components than through the revised Section 35(1) that is focused on identifying harm to the fish species or populations alone.</p> <p>“These areas may occur in other water bodies outside the location of the fishery and be connected through food webs and migrations” seems contrary to statements that follow regarding scope of application.</p>
3.3.3 Scope of Application of the Prohibition	Where the prohibition <b>would not apply</b>	<p>Is aquaculture protected or exempt?</p> <p>What happens to prohibition in the case of stocked or private lakes?</p>
	Where the “prohibition would not apply to any Canadian fisheries waters that have been exempted, by regulations, from the prohibition”	<p>What regulations would exempt Canadian fisheries waters?</p> <p>EAO would require a Proponent to list all provincial and federal regulations that apply to a proposed project.</p>
	Where the “prohibition would not apply to any fisheries that have been excluded, by regulations, from the definition of commercial, recreational, or Aboriginal fisheries”	<p>What regulations would exclude fisheries from the definition of commercial, recreational, or Aboriginal fisheries?</p> <p>Regulations cannot unjustifiably infringe Aboriginal or treaty rights to a fishery. If DFO intends to use this to limit the definition of Aboriginal fisheries how would it be justified?</p> <p>EAO would require a Proponent to list all provincial and federal regulations that apply to a proposed project.</p>

Document Section	Context	Question or Advice
3.4 Factors to be Considered	Measures and standards	Where will the measures and standards come from? The term 'standards' is used more formally in BC.  How do measures/standards and objectives – relate to serious harm?  s.13, s.16
3.4.1 Contribution of Relevant Fish	Measuring “contribution” or productivity	The requirement for direct metrics also suggests the need for large long term datasets of considerable detail necessary to estimate productivity. This does not seem in line with DFO’s current scaled back operations on the ground. Will DFO be collecting this information?  “The precision required in estimating the contribution of the relevant fish to the sustainability and ongoing productivity of the fishery will depend on the scale of the impact of the project to the productivity of the fishery” This statement is unclear. The contribution of the fish to the productivity of the fishery seems to be independent of the potential impact of the project. Is the intent of this paragraph to mean that the project with “large scale ecosystem changes” will require more studies to determine the effects to the relevant fish?
	Policy definition of ‘contribution’	The language used presumes a fractional change in the “fishery”. All watersheds support some part of the ultimate fishery. Most are small at less than 1%. How are concerns for the incremental loss of 100 sets of 1% fishery addressed?  As an example, if we lost a minor 5% of the Upper Skeena River summer steelhead returns, it could actually mean the total loss of the Sustut River steelhead population which may constitute a complete conservation unit.  The notion of “contribution” says absolutely nothing about the biological diversity of fish or steelhead in this case within the Skeena River watershed. The fishery for steelhead is not consumptive so it rates a “lower” value as they are not <b>harvested</b> .



Document Section	Context	Questions & Issues
	Practical interpretation of 'contribution of relevant fish' for Environmental Assessment	<p>s.13, s.16 s.13, s.16 s.13, s.16</p> <p>Unsure of how consensus on determining the VC would be affected by <i>relevant fish</i> and <i>contribution</i>. What type of guidance or input will DFO provide for determining EA valued components associated with fish and their habitat?</p>
	Understanding "Overall Productivity"	<p>Productivity of a fishery – how is productivity measured for each of the fisheries? Many possible ways to define ongoing productivity such as growth rate, population abundance or biomass, eggs per recruit, food web supporting fishery, change in mortality rate, or loss of sensitive life stages or habitats. There are many options, but to measure these on the ground is difficult and costly. Very little stock assessment has been done broadly; therefore using catch rate is not realistic.</p> <p>How would DFO provide guidance on how an EA determines potential effects on the three fisheries? Would a "relevant fish" present the same level of contribution/productivity in each fishery?</p> <p>What about the common situation where the productivity of a fishery has already been affected, so the potential productivity is much higher than the current state. Will the regulations and policies encourage increasing productivity in these situations?</p> <p>Reducing productivity: does the burden of proof lie with the regulators/agencies or with a proponent to prove or disprove impacts?</p>
	Increased costs	The change to a "productivity" focus, as opposed to a habitat focus entails significant increases in assessment costs, along with increased uncertainty for decision makers and potentially proponents.
3.4.2 Fisheries Management Objectives	Considering the stated fisheries management objectives.	<p>Need more guidance on how this will be implemented.</p> <p>How will this list be determined and how will all that apply to the fishery under consideration be kept straight and up to date?</p> <p>Who will hold the master list of FMO's?</p>

Document Section	Context	Question or Advice
		Fisheries across Canada vary a great deal from province to province and even regionally within each province. How is DFO giving consideration for the wide range of FMOs that apply at various scales? Without a clear understanding on how and which FMOs apply, the assessment process will be increasingly more difficult.
3.4.3 Measures and Standards to Avoid, Mitigate and Offset	Considering the measures and standards to avoid, mitigate or offset serious harm	<p>How does this consideration interact in precedence with consideration for the FMOs?</p> <p>Where will the measures and standards come from? The term 'standards' is used more formally in BC.</p> <p>At what stages of provincially and federally coordinated EAs, will DFO be able to provide input to the discussion and identification of proposed Project avoidance, mitigation, and offsetting?</p> <p>How will DFO provide guidance to the provincial EA process on determining if an Authorization or offsetting plan is required (e.g., if an Offsetting Plan is required at a conceptual level during the EA)?</p>
	Offsetting	<p>Offsetting is a major policy shift and requires additional clarification.</p> <p>How will DFO consider cumulative effects in assessing the value and effectiveness of mitigation measures and offsetting? How would DFO provide input to the cumulative effects assessment on fisheries within a provincially and federally coordinated EA?</p> <p>What role will DFO have on monitoring the effectiveness of offsetting activities or will this be a reporting responsibility of the Proponent?</p>
	"new and innovative approaches"	<p>When can DFO provide examples or guidance on the "new and innovative approaches that result in improved outcomes for fisheries"?</p> <p>Can DFO provide examples or guidance on the use of habitat banking? It is understood that habitat banking is a relatively new practice and not widely adopted in western Canada. How would habitat banking be managed or regulated? Are there any habitat banking third party organizations operating in BC?</p>

	Maintaining productivity that existed prior to the initiation of the development	Where to draw the line of "prior to development" is difficult to determine in already impacted areas and subject to considerations such as cumulative effects.
		s.13, s.16
3.4.4 Public interest		
4 Summary of the Decision Process and Next Steps	Developing operational guidance and a New Fisheries Protection Policy and incorporating comments received.	When will a draft of this document be available?  Will the province have a reasonable opportunity to review and provide feedback on the operational guidance document and the new fisheries protection policy prior to its release?
Figure 1.	1. Are impacts to fish and fish habitat likely?	
	2. Will the impacts to fish and fish habitat be avoided or mitigated?	What happens if the proponents answer yes? How is the adequacy of their proposed avoidance/mitigation assessed? This process needs to be clarified.
	3. Will the project occur in waters that contain fish or their habitats that are part of or support CRA fisheries?	
	4. Will project result in serious harm to fish that are part of or that support a CRA fishery?	How will this guidance be provided to the proponents?
	5. Ministerial consideration of section 6 factors	Is there guidance on how to determine "relevant contribution"?  How is mitigate and avoid not part of box 2?

## Gilliland, Lori K ENV:EX

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**From:** Feyrer, Laura ENV:EX  
**Sent:** Friday, September 27, 2013 2:28 PM  
**To:** Gilliland, Lori K ENV:EX; Paquin, Lisa C ENV:EX  
**Subject:** FW: MESSAGE FROM KEVIN STRINGER (SADM - EFM) - Draft Fisheries Protection Policy Statement // MESSAGE DE KEVIN STRINGER (SMAP - EGP) - Ébauche de l'Énoncé de politique sur la protection des pêches

**From:** XNCR, Intergovernmental Affairs / Affaires Intergouvernementales [<mailto:InterGovAffairs@DFO-MPO.GC.CA>]  
**Sent:** Tuesday, August 27, 2013 6:07 PM  
**To:** Allan Koprowsky; Aziz Niang; Etherington, Barb FLNR:EX; Barry MacPhee; Bruce Gray; Coleen Gooderham ; François Montminy-Munyan; [helene.bouchard@gnb.ca](mailto:helene.bouchard@gnb.ca); Kate MacQuarrie; [kevin.murphy@gov.sk.ca](mailto:kevin.murphy@gov.sk.ca); [muiselj@gov.ns.ca](mailto:muiselj@gov.ns.ca); Lynda Yonge; Zacharias, Mark ENV:EX; Martin Goebel; Stewart, Melanie AGRI:EX; Scott, Melissa AGRI:EX; Nathalie Camden; [ngmacnair@gov.pe.ca](mailto:ngmacnair@gov.pe.ca); XT:Haines, Perry New Brunswick Government EAO:IN; [rick.blackwood@gov.ab.ca](mailto:rick.blackwood@gov.ab.ca); [rosalyn.lawrence@ontario.ca](mailto:rosalyn.lawrence@ontario.ca); [srobinson@gov.nl.ca](mailto:srobinson@gov.nl.ca); Steve Pinksen; Susan Ross  
**Cc:** Winfield, Nicholas; Loth-Bown, Christine; Vermette, Michel; Patrick, Lindsey; Wallace, Dorothy; Trudeau, Miriam; Daniel, Katerina; Lajeunesse, Stephanie; [kathy.acheson@gov.ab.ca](mailto:kathy.acheson@gov.ab.ca); [Lisa.Sadownik@gov.ab.ca](mailto:Lisa.Sadownik@gov.ab.ca)  
**Subject:** MESSAGE FROM KEVIN STRINGER (SADM - EFM) - Draft Fisheries Protection Policy Statement // MESSAGE DE KEVIN STRINGER (SMAP - EGP) - Ébauche de l'Énoncé de politique sur la protection des pêches

Good evening,

In advance of the up-coming meeting of the Canadian Council of Fisheries and Aquaculture Ministers (CCFAM), to be held on September 05, 2013, I am providing you with the draft Fisheries Protection Policy Statement. The Policy Statement has been developed taking into consideration comments received on the Policy Discussion Paper that was released last May. The Policy Statement sets out a vision for the administration of the recently amended *Fisheries Act* and outlines the key objectives and principles to guide Canadians towards compliance with the Fisheries Protection Provisions of the *Fisheries Act*.

Our Regional Directors General and their staff will be available to discuss this document and any related concerns that you may have on a bilateral basis. I will also be available, as will my staff, to answer any specific questions that may arise prior to the CCFAM meeting, or at any time thereafter.

Considering the confidentiality of this document, I would ask that you limit its distribution as much as reasonably possible.

I would also ask that you provide any comments on this document to [FPP-PPP@dfo-mpo.gc.ca](mailto:FPP-PPP@dfo-mpo.gc.ca) by September 27, 2013.

Thank you.

\*\*\*\*\*

Bonsoir,

En préparation pour la réunion du Conseil canadien des ministres des pêches et de l'aquaculture (CCMPA) qui aura lieu le 5 septembre, 2013, je vous envoie l'ébauche de l'énoncé de politique sur la protection des pêches. L'énoncé de politique a été développée en tenant compte de commentaires reçus sur le document de discussion qui a été publié au mois de mai dernier. L'énoncé de politique annonce la vision pour l'administration de la *Loi sur les Pêches* et résume les objectifs et les principes clés qui guideront les Canadiens(nes) vers la conformité avec les dispositions de protection des pêches de la *Loi sur les Pêches*.

Nos directeurs généraux régionaux et leurs employés sont disponibles pour des discussions bilatérales au sujet de ce document et de tout autre enjeu connexe. Je demeure également disponible pour répondre à toute question avant la rencontre du CCMPA, ou à tout moment par la suite.

Considérant la nature confidentielle de ce document, je vous demanderais de limiter sa distribution au stricte nécessaire.

Je vous demanderais également de fournir tout commentaire au sujet de ce document à l'adresse courriel : [FPP-PPP@dfo-mpo.gc.ca](mailto:FPP-PPP@dfo-mpo.gc.ca) d'ici le 27 septembre 2013.

Merci.





Reference: 198648

Kevin Stringer  
Acting Senior Assistant Deputy Minister  
Fisheries and Oceans Canada  
200 Kent Street  
Ottawa Ontario K1A 0E6

[FPP-PPP@dfo-mpo.gc.ca](mailto:FPP-PPP@dfo-mpo.gc.ca)

Dear Kevin Stringer:

Thank you for the opportunity to submit comments in response to the draft Fisheries Protection Policy Statement distributed to Provinces and Territories for review on August 27, 2013. These comments are submitted by the BC Ministry of Environment on behalf of BC's natural resource ministries, including the Ministry of Transportation and Infrastructure.

We understand that the draft Fisheries Protection Policy Statement reflects an updated version of the Fisheries and Oceans Canada (DFO) 'discussion paper' that was released in May, 2013. While the document provides context on the new policy direction DFO is taking, it still does not address many of the key issues and questions that BC previously identified as needing additional clarification. We appreciate that under Canadian Council of Fisheries and Aquaculture Ministers (CCFAM), the renewed inter provincial Inland Fisheries Committee (IFC) and a new ad-hoc ADMs working group has been charged with overseeing the development of guidance regarding many of these issues, however, we had expected the revised policy statement to better reflect our feedback and provide greater clarity on the decision making process.

On review, the policy statement has reinforced BC's concerns regarding DFO's policy interpretation of definitions of "serious harm," "permanent alterations," "Commercial, Recreational, and Aboriginal fishery (CRA)" and "fish that support." At some point, further guidance will be required to understand how provincial Fisheries Management Objectives will be applied, how cumulative effects will be understood and addressed and how the opportunities for offsetting will be evaluated with consideration for ecosystem impacts that may fall outside the scope of "fishery productivity." We also remain uncertain as to where this guidance will come from and whether provincial resources will be required to develop and review this work.

The province would also like to better understand how DFO's Working Near Water website will operate as the primary source of information for proponents, the public and provincial staff, particularly in this time of transition.

While we understand that DFO has adopted a mitigation framework very similar to BC's, there is no indication how to determine whether mitigation opportunities have been exhausted, or if offsetting is even appropriate. The policy statement appears to suggest that offsetting is always a viable option, which is a significant difference from BC's framework. Of particular concern is the example in 8.4 (c) (pg. 14) under "Offsetting" where removing (presumably natural) obstructions to migration is suggested as an off-setting measure. Provincial staff were troubled this was proposed as an example of acceptable offsetting as it does not replace any lost habitat, rather just changes the distribution of species - usually to the detriment of those species that existed above the barrier. This is illustrative of where BC sees a significant consequence of narrowing the scope of fisheries protection to only consider the outcome for the fishery, rather than the full biodiversity of the aquatic ecosystem.

While the CCFAM ad-hoc ADM working group has outlined a workplan to review operational guidance regarding many of BC's outstanding concerns, without a terms of reference for this group we do not understand how and when this work will be implemented. In the absence of operational guidance, the province is being asked to respond to single policy statements with short deadlines. This process for policy review limits our perspective and ability to respond with thoughtful appreciation for the full impact of all DFO's new policies. Although we appreciate the efforts of regional DFO staff engaged in bilateral discussions, our progress on understanding the new operational environment has been similarly restricted and many of the verbal assurances we received have yet to be reflected in written policy.

BC also remains unclear about how to identify gaps in our respective agency roles, which may need to be filled, and what new resources and roles may be required of provincial agencies, local governments, First Nations and others. BC would like an update on DFO's process for engagement on compliance and enforcement and clarity on the role of the province and the federal government. For example, when and how will provincial conservation officers and staff be trained on identifying compliance issues?

We would like to convey that clarification on key issues and questions (summarized in the attached table), and the context of DFO's operational policy statement are required for BC to feel comfortable the federal and provincial approaches are substantially aligned to effectively work together on implementing the changes to the *Fisheries Act*. On that note, BC still awaits DFO's more detailed guidance materials that will support the Fisheries Protection Policy Statement and would appreciate having sufficient time to review and respond before it is officially endorsed by DFO.

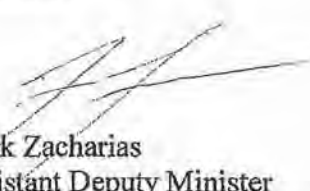
In closing we would like to acknowledge the recent federal provincial partnership under DFO's new Recreational Fisheries Conservation Partnerships Program. This collaboration will benefit shared recreational fisheries, the economy and strengthen our stewardship community. We strongly support expanding this partnership with DFO, and

s.13, s.16

s.13, s.16

Thank you for the opportunity to review and comment on the draft Fisheries Protection Policy Statement. We look forward to continuing to work collaboratively with you.

Sincerely,



Mark Zacharias  
Assistant Deputy Minister  
Environmental Sustainability and Strategic Policy Division  
Ministry of Environment

Enclosure

cc: Tom Ethier, Assistant Deputy Minister, Resource Stewardship Division, Ministry of  
Forests, Lands and Natural Resource Operations  
Melanie Stewart, Assistant Deputy Minister, Agriculture Science and Policy Division,  
Ministry of Agriculture  
Anthony Danks, Executive Director, Strategic Policy Branch, Ministry of Environment  
Sue Farlinger, Pacific Regional Director General, Fisheries and Oceans Canada  
Nick Winfield, Director Habitat Program Policy Branch, Fisheries and Oceans Canada



BC Comments on draft DFO Fishery Protection Policy Statement

2014-01-07

Remaining Issue or Concern	Question or Comment
<p>1. <b>DFO's ongoing consultation process FA changes</b></p>	<p>BC would like to reiterate that the short timeline outlined by DFO for provincial review of a large volume of material in support of multiple proposals for regulatory changes to the <i>Fisheries Act</i> (others include Aquatic Invasive Species, and Aquaculture Activities Regulation) continue to challenge BC's ability to understand and effectively respond to the proposed changes on behalf of all affected Ministries and programs.</p> <p>BC awaits DFO's additional guidance materials on information, timelines and offsetting as well as the operational policy document. We have not been able to adequately consider the implications of the fisheries protection policy statement in the operational context. We would appreciate additional time to respond to the fisheries protection policy statement if the operational guidance is to be made available in the near future. We request that sufficient time is allotted to review and respond to future guidance or standards before they are considered final by DFO.</p> <p>We also share concerns on the consultation/discussion with local governments, First Nations and other groups on this policy. As a co-regulator of fish and fish habitat protection BC would appreciate the option to participate in these discussions to hear firsthand stakeholder's views. It would also assist the provincial understanding of the roles and responsibilities DFO foresees in relation to the conservation of fish and fish habitat.</p>
<p>2. <b>Impacts to existing agreements and guidance documents</b></p>	<p>There remain many agreements and guidance documents that are based on the old provisions in the <i>Fisheries Act</i>. While we have received verbal assurances that these agreements and tools will be honored until such time that they are updated, the province has yet to receive this assurance in writing. <i>How will this work in the operational context once the new provisions come into place?</i></p> <p>In our May 2013 response to the draft policy discussion paper we referenced a number of agreements that may be affected by this policy shift and we would like to work with DFO to identify how each agreement will be impacted.</p>
<p>3. <b>Impacts to provincial resources and workload</b></p>	<p>In many cases when a procedure requires a DFO authorization, DFO relies on provincial opinion. <i>How will the application of the new regulation rely on provincial staff?</i></p> <p>We agree that duplication is unnecessary. <i>What is the desired federal/ provincial division of responsibilities given language on "best-placed partnerships?" Are there gaps and do they mean the province may have</i></p>



DRAFT BC Comments on draft DFO Fishery Protection Policy Statement

Remaining Issue or Concern	Question or Comment
	<p><i>increased responsibility for fish and fish habitat protection? If so what are the <b>resources</b> that will be required to accompany this increase in responsibility? Who else may be party to these partnerships?</i></p> <p>The strict definition of serious harm limits the application of the prohibition and leaves those concerns that are not “serious” to be managed by the province.</p> <p><i>What is the deterrent or oversight for small impacts? These can add up to a serious impact but are difficult to assess in the analysis of a single authorization. The province is concerned that the prevention of non-serious impacts will require an increase in provincial responsibility and workload.</i></p> <p><i>What is the provincial role in developing additional policy guidance on standards in the short and long term? What resources will be required to support future work on these?</i></p>
4. Developing new guidance tools	<p><i>How will guidance be informed by the particular circumstances unique to BC or consider provincial guidance that already exists?</i></p> <p><i>Will the province have a reasonable opportunity to review and provide feedback on future guidance tools prior to a final release? When will drafts of these documents be available?</i></p>
5. Compliance and Enforcement	<p>The general nature of the scope makes compliance and enforcement complex and challenging to understand. We seek clarity on the role of both the province and the federal government on this aspect.</p> <p><i>What is the test to prove serious harm in a compliance situation? Who is responsible for proving or disproving serious harm?</i></p> <p>In BC, provincial conservation officers have delegated authority and will need to understand the regulatory changes and the operational changes going forward. <i>Again, resources will need to be <b>allocated to train provincial conservation officers and staff on identifying compliance issues given the new definitions?</b></i></p> <p><i>What role will DFO have on monitoring the effectiveness of offsetting activities or will this be a responsibility of the public and the proponent?</i></p>
6. Risk Management Framework	<p>We await guidance/guidelines for what will ‘likely result in serious harm to fish’, thresholds for understanding the triage analysis and methods for quantification of the serious harm to fish. <i>When will this be</i></p>



## DRAFT BC Comments on draft DFO Fishery Protection Policy Statement

2014-01-07

Remaining Issue or Concern	Question or Comment
	<p><i>available as a written policy?</i></p> <p>BC seeks clarification on DFO expectations of how to understand risk leading up to the ‘death of a fish’ in relation to serious harm.</p>
7. Cumulative effects	<p>Addressing cumulative impacts is of concern for the province as a series of “non serious” impacts can lead to a substantial impact cumulatively.</p> <p><i>How will DFO address <b>cumulative effects</b> if the authorization process only screens the need for authorizations based on a test of serious harm?</i></p> <p><i>In considering an authorization how will DFO address <b>cumulative effects</b> in assessing the value and effectiveness of mitigation measures and offsetting?</i></p>
8. Fisheries Management Objectives (FMOs)	<p>BC needs guidance on how and which fisheries management objectives will be considered, endorsed, and implemented. <i>Will this policy be available soon?</i></p> <p><i>In an authorization, how does the consideration for measures and standards interact with the consideration for the FMOs?</i></p>
9. Measures and standards	<p><i>Where will future measures and standards come from? Where standards do not already exist as a reference where are the <b>resources</b> necessary to collaborate on this work coming from?</i></p> <p>BC sees measures and standards as needing to be developed in a regional context through bilateral engagement in most cases.</p>
10. Avoid, Mitigate and Offsetting policies	<p>Offsetting is a major policy shift and requires additional clarification and guidance. <i>How and when can we expect this policy to be operationally developed? How is the adequacy of proponent’s proposed avoidance/mitigation assessed?</i></p> <p><i>When can DFO provide examples or guidance on the “new and innovative approaches that result in improved outcomes for fisheries?” i.e. Habitat banking.</i></p> <p><i>How does the target or goal condition relate to the stated FMO’s of the fishery? Can proponents always mitigate/offset in all scenarios to reach the target level of harm?</i></p>



Remaining Issue or Concern	Question or Comment
	<p>Where to draw the line of “prior to development” is difficult to determine in already impacted areas and subject to considerations such as <b>cumulative effects</b>.</p> <p>BC would like to emphasize that we do not support the example of offsetting provided in the policy statement of removing a barrier. This would not be an acceptable option from BC’s perspective.</p> <p>BC has a provincial mitigation policy but it is currently DRAFT, under revision and expected to differ from the original given a stakeholder review.</p>
11. Understanding definitions in the New Fisheries Protection Provisions	<p><i>When will the policy guidance on how definitions will be applied be available? Will terms that are not specifically defined in legislation such as “duration” or “diminished” be operationally defined or guidance provided in written policy or is it a matter for interpretation and case law? Specifically how will these concepts consider the differences between sites and species?</i></p> <p>The policy interpretation and definition of “fisheries” continues to reinforce provincial concern that fisheries are too narrowly defined by placement of gear and limits protection to waters that are not <b>actively</b> fished. Some examples where fisheries are “recovering” span decades, or even longer time periods as some of those species once harvested by FN. <i>Are past or future potential fisheries still considered fisheries?</i></p> <p><i>Will the time frame for a “fishery” be articulated in future written guidance? We have had verbal confirmation that temporal considerations are included but do not see this reflected in the policy statement.</i></p>
12. Serious Harm	<p>Fish killed as a consequence of alterations to their habitat/ ecosystems indicate that the ecological impacts and habitat alterations are severe. By the time this level of impact is recognizable, habitat/ecosystem alterations may still be sufficient to cause substantive impacts to populations, stocks, or species.</p> <p style="text-align: center;">s.13, s.16</p> <p><i>At what scale will a “localized effect” be assessed?</i></p>
13. Non- permanent alterations	<p>Concerns remain for non-permanent alterations. It is open to a range of interpretations and has yet to be clarified in an operational context. <i>Will additional clarification on how the concept of non-permanent</i></p>

## DRAFT BC Comments on draft DFO Fishery Protection Policy Statement

**Remaining Issue or Concern****Question or Comment**

*alterations is defined be included in future written guidance or policy?*

To date we have not seen adequate explanation of how scale, duration, or “diminish the ability” will be interpreted in regards to the permanence of an alteration.

Short-term alterations to habitats can have substantive implications even though there is no “death,” permanent degradation of ability to carry out any life process, and no destruction of fish habitat. Some concerning examples include:

- The survival of a small stocks and populations, races, or fish otherwise limited in their resilience to low impacts due to size or distributions, or both. These may not be considerations in a fishery context but represent a concern in regards to genetic representation and overall conservation of biodiversity.
- Whole cohorts (“brood year,” “age class” or “year class”) of species such as salmonids may be eliminated due to an inability to complete a part of their life cycle. Because two or more age classes of salmon species may be present in a habitat/ecosystem at one time, this could mean the elimination of several year’s worth of population cycles, and several consecutive brood years of a population.
- Special or unique salmon populations where a potential development (e.g. IPP) could permanently alter selective passage conditions for summer Coho salmon and summer steelhead. The loss of a physical feature (falls or chute) that naturally separates two races of salmon; winter versus summer runs does not permanently affect the fishery.
- Many of non-permanent types of alterations, dredging, channel maintenance, etc. still require mitigation to be considered “low risk.” Communications on this issue has suggested that proponents engaged in these activities no longer have to apply for an authorization. However, they may still have to engage in mitigation. The messaging around these scenarios needs to be clarified.

*How will impacts in the above examples be evaluated in the context of the new provision? How will cumulative impacts be assessed if alterations are not considered permanent?*

We understand the desire to reduce effort spent dealing with low risk activities (e.g. drainage maintenance in agricultural areas), but we are concerned that fish protection goals will be compromised by excluding all temporary alterations or disruptions from consideration.



Remaining Issue or Concern	Question or Comment
14. Aboriginal Fishery	Recent court cases, as well as all modern treaties suggest that <b>all fish</b> species are included in an Aboriginal or treaty right to fish. <i>How are proponents to evaluate if they are imposing on an aboriginal fishery if all fish are included?</i>
15. Fish that support	Other food types, not just fish, also support these fisheries. <i>How will DFO manage non-fish food resources?</i>
16. Contribution of Relevant Fish	<p>The notion of “contribution” says nothing about the biological diversity of fish within a watershed. <i>How does one prove a fish is or isn’t contributing to a fishery? What are the thresholds?</i></p> <p><i>How are fisheries compared or evaluated? Will there be a valuation scale in the written policy? As an example would the fishery for steelhead be “lower” value as they are not harvested for consumption?</i></p> <p>This is a concern as the steelhead fishery is of significant economic and recreational value to BC.</p>
17. Understanding “Productivity”	<p><i>Is productivity measured differently for each of the fisheries? This needs to be clarified as there are many possible ways to do this. Will metrics that explain this assessment process be a part of future guidance or policy? Is this also guided by FMO’s?</i></p> <p>What about the common situation where the productivity of a fishery has already been affected, so the potential productivity is higher than the current state. <i>Will the regulations and policies assess in consultation with the proponent increasing productivity in these situations?</i></p>
18. Exceptions to the prohibition	<p><i>What regulations exist where the “prohibition would not apply to any Canadian fisheries waters that have been exempted, by regulations, from the prohibition?” Is there intent to create additional regulations to exempt some Canadian fisheries waters in the future?</i></p> <p><i>What other regulations would exclude fisheries from the definition of commercial, recreational, or Aboriginal fisheries? Is there intent to create additional regulations to exempt some fisheries in the future?</i></p>
19. Public interest	<i>Are there options for the minister’s authority to be delegated for decisions that include consideration of the public interest? How will this work?</i>
20. Figure 2. Decision process	<i>Will the serious harm evaluation include consideration for proponents proposed offsets? Or is this a step in considering the authorization application?</i>

## **Danks, Anthony ENV:EX**

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**From:** Winfield, Nicholas [Nicholas.Winfield@dfo-mpo.gc.ca]  
**Sent:** Wednesday, June 12, 2013 10:43 AM  
**To:** Danks, Anthony ENV:EX  
**Subject:** Thank you

Anthony:

I am writing to thank you (unofficially) for all the comments you have provided on the Fisheries Act policy discussion document and the information and time limits regulation.

We have received lots of comments and are further refining our plans going forward.

Warm regards

Nicholas Winfield

Director | Directeur  
Fisheries Protection Policy | Politique sur la protection des peches  
Ecosystem Programs Policy | Politiques sur les Programmes des Écosystèmes  
Fisheries and Oceans Canada | Pêches et Océans Canada  
8N205; 200 Kent Street, Ottawa, Ontario, Canada K1A 0E6  
Tel/Fax: (613) 990-2574 / (613) 993-7493  
Government of Canada | Gouvernement du Canada



## Danks, Anthony ENV:EX

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**From:** Antcliffe, Bonnie [Bonnie.Antcliffe@dfo-mpo.gc.ca]  
**Sent:** Thursday, May 9, 2013 11:28 AM  
**To:** Danks, Anthony ENV:EX; Paquin, Lisa C ENV:EX; Howard, Sara; Feyrer, Laura ENV:EX  
**Cc:** Hwang, Jason; Fanos, Brad  
**Subject:** FW: Conference Call hosted by Fisheries and Oceans Canada on the Fisheries Act //  
Téléconférence tenue par Pêches et Océans Canada sur la Loi sur les pêches

Hello Lisa, Anthony and Laura

Further to the CCFAM call yesterday and previous discussions on the Fisheries Act amendments, please find attached an update and contacts for input on the various documents, including the discussion paper, science reports, and regulations. Please let us know if you would like us to set-up another meeting - face-to-face or conference call, to discuss the material. Please contact Jason Hwang directly if you are interested in another session. Jason and I have tentatively set time aside the week of May 27 in case we want to hold a session.

### **Proposed approach to implementing the New Fisheries Protection Provisions under the *Fisheries Act***

The attached discussion paper has been prepared to explain recent amendments to *the Fisheries Act* related to fisheries protection and to provide an interpretation of new language and concepts found in the Act. The discussion paper focuses on the factors that will provide direction in Ministerial decision-making (the new section 6 of the *Fisheries Act*) and the new prohibition against causing serious harm to fish (the new section 35). Your feedback is sought to further refine the interpretation in order to develop operational guidance prior to the coming into force of these new provisions.

We would ask that you provide feedback to [FPP-PPP@dfo-mpo.gc.ca](mailto:FPP-PPP@dfo-mpo.gc.ca) by May 29<sup>th</sup>, 2013

In addition, a Science Advisory Report regarding scientifically significant terms in the amended *Fisheries Act* 2012 is now available on the Canadian Science Advisory Secretariat website ([http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012\\_063-eng.html](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012_063-eng.html) )

Finally, a reminder that proposed Information Requirements and Time Limits Regulations were pre-published in Part I of the *Canada Gazette*, on April 13, 2013 for a 30-day period [<http://canadagazette.gc.ca/rp-pr/p1/2013/2013-04-13/html/reg1-eng.html>]. Any feedback you may have on these regulations should be provided to [FPR-RPP@dfo-mpo.gc.ca](mailto:FPR-RPP@dfo-mpo.gc.ca)

Bonnie Antcliffe

Regional Director

Ecosystem Management Branch

Suite 200 – 401 Burrard Street

Vancouver, BC V6C 3S4

Phone: (604) 666-6532

Cell: (604) 209-1385

Email: bonnie.antcliffe@dfo-mpo.gc.ca

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**From:** XNCR, CCFAM-CCMPA

**Sent:** May-07-13 2:43 PM

**To:** XNCR, CCFAM-CCMPA; 'Andrew Wilson'; 'Audie Skinner'; 'Brian Skinner'; 'Chris Dunn'; 'Dave M Brown'; 'Don Maclean'; 'Dr. Brian Parker'; 'Francois Montminy-Munyan'; 'Gerald Macdougall'; 'Jessy Dynes'; 'John Colford'; 'Kathryn Collet'; 'Larissa Mathewson-Brake'; 'Lynda Yonge'; 'Nathan Millar'; 'Rosanne MacFarlane'; 'Travis Ripley'; 'Vicki Marshall'; 'Wayne Lynch'; 'Audie Skinner'; 'Barry MacPhee'; 'Chris Dunn'; 'Daniel, Katerina'; 'Dr. Brian Parker'; 'Eric Boysen'; 'François Montminy-Munyan'; 'John Colford'; 'Joseph Labelle'; 'Larry Neilson'; 'Leo Mui'; 'Lynda Yonge'; 'Mike Warren'; 'Nathan Millar'; 'Neil MacNair'; 'Oliver Barker'; 'Stan Kavalinas'; 'Travis Ripley'; 'Wandalee Wiseman'; 'Wayne Lynch'

**Cc:** Bate, Angela; Collins, John; Deschênes, Louise; Hopper, Stephanie; Hurst, Karen; King, Rhea L; Daniel, Katerina; Vachon, Marc; Myre, Mathew; Winfield, Nicholas; Finn, Ray; Nicholson, Dale; Cormier, Roland; Walsh, Gordon; Antcliffe, Bonnie; Burgess, Steve; Ashley, Sharon; Hopky, Glen; Caron, Tiffany

**Subject:** RE: Conference Call hosted by Fisheries and Oceans Canada on the Fisheries Act // Téléconférence tenue par Pêches et Océans Canada sur la Loi sur les pêches

Good afternoon,

Please note that a Science Advisory Report regarding scientifically significant terms in the amended *Fisheries Act* 2012 is now available on the Canadian Science Advisory Secretariat website:

[http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012\\_063-eng.html](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012_063-eng.html)

Bonjour,

Veillez noter que l'avis scientifique en ce qui concerne les termes importants sur le plan scientifique figurant dans la *Loi sur les pêches* modifiée en 2012, est actuellement disponible sur le site-web SCCS.

[http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012\\_063-fra.html](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012_063-fra.html)

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**From:** XNCR, CCFAM-CCMPA

**Sent:** May 6, 2013 4:09 PM

**To:** 'Andrew Wilson'; 'Audie Skinner'; 'Brian Skinner'; 'Chris Dunn'; 'Dave M Brown'; 'Don Maclean'; 'Dr. Brian Parker'; 'Francois Montminy-Munyan'; 'Gerald Macdougall'; 'Jessy Dynes'; 'John Colford'; 'Kathryn Collet'; 'Larissa Mathewson-Brake'; 'Lynda Yonge'; 'Nathan Millar'; 'Rosanne MacFarlane'; 'Travis Ripley'; 'Vicki Marshall'; 'Wayne Lynch'; 'Audie Skinner'; 'Barry MacPhee'; 'Chris Dunn'; 'Daniel, Katerina'; 'Dr. Brian Parker'; 'Eric Boysen'; 'François Montminy-Munyan'; 'John Colford'; 'Joseph Labelle'; 'Larry Neilson'; 'Leo Mui'; 'Lynda Yonge'; 'Mike Warren'; 'Nathan Millar'; 'Neil MacNair'; 'Oliver Barker'; 'Stan Kavalinas'; 'Travis Ripley'; 'Wandalee Wiseman'; 'Wayne Lynch'

**Cc:** Bate, Angela; Collins, John; Deschênes, Louise; Hopper, Stephanie; Hurst, Karen; King, Rhea L; Daniel, Katerina; Trudeau, Miriam; Vachon, Marc; Myre, Mathew; Winfield, Nicholas; Finn, Ray; Nicholson, Dale; Cormier, Roland; Walsh, Gordon; Antcliffe, Bonnie; Burgess, Steve; Ashley, Sharon; Hopky, Glen; Caron, Tiffany

**Subject:** Conference Call hosted by Fisheries and Oceans Canada on the Fisheries Act // Téléconférence tenue par Pêches et Océans Canada sur la Loi sur les pêches

Good day,

We would like to invite the Interjurisdictional Working Group and the Inland Fisheries Committee members to join a conference call hosted by Fisheries and Oceans Canada to present the Discussion Paper -Implementing the New Fisheries Protection Provisions under the *Fisheries Act* Wednesday May 8, 2013 from 13:00 to 14:00 EDT.

Please confirm your attendance by replying to this e-mail by noon tomorrow.

To join the conference call please dial the following number and enter the access code when prompted.

1-877-413-4785

Access Code: s.17

Thank you.

<< File: TAB 2 Discussion Paper 2013 EN.PDF >>

Bonjour,

Nous voudrions inviter les membres du Groupe de travail intergouvernemental et du Comité des pêches dans les eaux intérieures à joindre une téléconférence organisée par Pêches et Océans Canada le mercredi 8 mai 2013 afin de présenter le Document de discussion sur la Mise en oeuvre des nouvelles dispositions sur la protection des pêches de la *Loi sur les pêches* mercredi le 8 mai 2013 de 13 h à 14 h HAE.

Veuillez confirmer votre participation en répondant à ce courriel d'ici demain midi.

Pour vous joindre à la téléconférence, veuillez signaler le numéro suivant et insérer le code d'accès lorsque demandé.

1-877-413-4785

Code accès : s.17

Merci.

<< File: TAB 2 Discussion Paper 2013 FR.PDF >>

## Danks, Anthony ENV:EX

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**From:** Winfield, Nicholas [Nicholas.Winfield@dfo-mpo.gc.ca]  
**Sent:** Wednesday, May 8, 2013 9:12 AM  
**To:** Stoneman, Christine; Danks, Anthony ENV:EX; Paquin, Lisa C ENV:EX  
**Cc:** Gilliland, Lori K ENV:EX; Corneau, Martin  
**Subject:** Re: Today's meeting at 1pm

Meeting room is 14N200. It will be a full house.

---

**From:** Stoneman, Christine  
**Sent:** Wednesday, May 08, 2013 12:10 PM Eastern Standard Time  
**To:** 'Anthony.Danks@gov.bc.ca' <Anthony.Danks@gov.bc.ca>; Winfield, Nicholas; 'Lisa.Paquin@gov.bc.ca' <Lisa.Paquin@gov.bc.ca>  
**Cc:** 'Lori.Gilliland@gov.bc.ca' <Lori.Gilliland@gov.bc.ca>; Corneau, Martin  
**Subject:** Re: Today's meeting at 1pm

Yes same place. Martin will meet you downstairs when security calls up.

---

**From:** Danks, Anthony ENV:EX [mailto:Anthony.Danks@gov.bc.ca]  
**Sent:** Wednesday, May 08, 2013 11:44 AM Eastern Standard Time  
**To:** Winfield, Nicholas; Paquin, Lisa C ENV:EX <Lisa.Paquin@gov.bc.ca>  
**Cc:** Gilliland, Lori K ENV:EX <Lori.Gilliland@gov.bc.ca>; Stoneman, Christine  
**Subject:** Re: Today's meeting at 1pm

We will join you for the Inland Fisheries call. Same place I assume.

Anthony

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**From:** Winfield, Nicholas [mailto:Nicholas.Winfield@dfo-mpo.gc.ca]  
**Sent:** Wednesday, May 08, 2013 08:17 AM Pacific Standard Time  
**To:** Danks, Anthony ENV:EX; Paquin, Lisa C ENV:EX  
**Cc:** Gilliland, Lori K ENV:EX; Stoneman, Christine <Christine.Stoneman@dfo-mpo.gc.ca>  
**Subject:** Today's meeting at 1pm

Anthony, Lisa:

There is a call with all Provincial members of Inland Fisheries Committee of CCFAM from 1-2pm to go over the discussion paper that was released on Monday.

You are welcome to join us for that meeting and then continue to meet afterwards. Alternatively, you could meet with Christine Stoneman from 1-2pm as currently scheduled. I will not be available however.

Please advise on your preference.

Nicholas Winfield

Director | Directeur

Habitat Management Policy and Practices | gestion de l'habitat et de pratique

Ecosystem Programs Policy | Politiques sur les Programmes des Écosystèmes

Fisheries and Oceans Canada | Pêches et Océans Canada

8N205; 200 Kent Street, Ottawa, Ontario, Canada K1A 0E6

Tel/Fax: (613) 990-2574 / (613) 993-7493

Government of Canada | Gouvernement du Canada



## Danks, Anthony ENV:EX

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**From:** Winfield, Nicholas [Nicholas.Winfield@dfo-mpo.gc.ca]  
**Sent:** Wednesday, May 8, 2013 8:18 AM  
**To:** Danks, Anthony ENV:EX; Paquin, Lisa C ENV:EX  
**Cc:** Gilliland, Lori K ENV:EX; Stoneman, Christine  
**Subject:** Today's meeting at 1pm

Anthony, Lisa:

There is a call with all Provincial members of Inland Fisheries Committee of CCFAM from 1-2pm to go over the discussion paper that was released on Monday.

You are welcome to join us for that meeting and then continue to meet afterwards. Alternatively, you could meet with Christine Stoneman from 1-2pm as currently scheduled. I will not be available however.

Please advise on your preference.

Nicholas Winfield

Director | Directeur

Habitat Management Policy and Practices | gestion de l'habitat et de pratique

Ecosystem Programs Policy | Politiques sur les Programmes des Écosystèmes

Fisheries and Oceans Canada | Pêches et Océans Canada

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Tel/Fax: (613) 990-2574 / (613) 993-7493

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## Danks, Anthony ENV:EX

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**From:** Danks, Anthony ENV:EX  
**Sent:** Wednesday, April 10, 2013 1:35 PM  
**To:** 'Winfield, Nicholas'  
**Subject:** RE: C-38 follow up

Thank Nicholas – I appreciate that approvals can take time.

On another note, I will be in Ottawa in early May for an Environment DM meeting. Are you available on Wednesday May 8 for an hour to exchange information and updates. I will have Lisa Paquin, Director of Intergovernmental Relations with me. She has been working closely with our program staff on this file. I would leave it to you to name location and time.

Thanks for your consideration,

Anthony

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Anthony Danks  
Executive Director - Strategic Policy Branch  
B.C. Ministry of Environment  
phone: (250) 387-8483 fax: (250) 387-8894

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**From:** Winfield, Nicholas [<mailto:Nicholas.Winfield@dfo-mpo.gc.ca>]  
**Sent:** Tuesday, April 9, 2013 11:04 AM  
**To:** Danks, Anthony ENV:EX  
**Cc:** Hwang, Jason; Paquin, Lisa C ENV:EX  
**Subject:** RE: C-38 follow up

This is my intent, yes.

Both documents are at the most senior level for approvals. It is not possible for me to predict when this might be but I am hopeful it is within days.

The meeting we held in Victoria was extremely well-organized and invaluable for our team. Your coordination was most appreciated.

I will update you as soon as I receive more information.

Regards

Nicholas Winfield

Director | Directeur  
Habitat Management Policy and Practices | gestion de l'habitat et de pratique  
Ecosystem Programs Policy | Politiques sur les Programmes des Écosystèmes  
Fisheries and Oceans Canada | Pêches et Océans Canada  
8N205; 200 Kent Street, Ottawa, Ontario, Canada K1A 0E6

Tel/Fax: (613) 990-2574 / (613) 993-7493  
Government of Canada | Gouvernement du Canada

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**From:** Danks, Anthony ENV:EX [<mailto:Anthony.Danks@gov.bc.ca>]  
**Sent:** 2013-April-09 1:42 PM  
**To:** Winfield, Nicholas  
**Cc:** Hwang, Jason; Paquin, Lisa C ENV:EX  
**Subject:** C-38 follow up

Nicholas:

As a follow up to our meeting in Victoria, and the telephone message I left with you last week, I am writing to enquire if we will soon be receiving the policy discussion paper and scientific papers you mentioned, so as to better inform our input.

At our meeting on March 20, it was my understanding that those papers could be shared with P/T in the coming 1-2 weeks. Please let me know if this is still the case.

Again, many thanks to you and your team for coming over to Victoria, especially given the weather conditions.

Anthony

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Anthony Danks  
Executive Director - Strategic Policy Branch  
B.C. Ministry of Environment  
phone: (250) 387-8483 fax: (250) 387-8894

## Danks, Anthony ENV:EX

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Monday, March 18, 2013 2:35 PM  
**To:** Danks, Anthony ENV:EX  
**Subject:** Re: ADM call on Fisheries Act changes

s.22

**From:** Danks, Anthony ENV:EX [mailto:Anthony.Danks@gov.bc.ca]  
**Sent:** Monday, March 18, 2013 05:19 PM Eastern Standard Time  
**To:** Hwang, Jason  
**Subject:** RE: ADM call on Fisheries Act changes

No, that's great. Just wanted to make sure

s.22

Thanks.

s.22

**From:** Hwang, Jason [mailto:Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Monday, March 18, 2013 10:19 AM  
**To:** Danks, Anthony ENV:EX  
**Subject:** RE: ADM call on Fisheries Act changes

Hi Anthony. I am aware of this. I listened in on a National preparatory call for this session on Friday that a few folks from BC sat in on (Baron C, Andy W, Larry N, Sara H). The meeting that we have scheduled for Victoria this week is going to cover the same issues, but will hopefully get into more detail and lead to additional cooperative work. The session with BC this week was noted in the National call last week. You can call me on my cell if you want to discuss in a bit more detail s.17 . Jason.

**From:** Danks, Anthony ENV:EX [mailto:Anthony.Danks@gov.bc.ca]  
**Sent:** 2013-March-18 10:06 AM  
**To:** Hwang, Jason  
**Subject:** ADM call on Fisheries Act changes

This is being scheduled with us through Trevor Swerdfager's office for either this Wednesday or Thursday – are you aware of this call?

Anthony

## Danks, Anthony ENV:EX

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, March 7, 2013 3:05 PM  
**To:** Danks, Anthony ENV:EX; Fanos, Brad  
**Subject:** Re: Planning for the BC - DFO Meeting

Hi Anthony. Here are the key points we would expect to cover during our meeting. Feel free to offer any suggestions.

- 1). Policy update: CRA Fisheries / Serious Harm / Productivity / Offsetting
- 2). Regulations: Information Requirements / Timelines
- 3). Partnering
- 4). DFO Organizational Change
- 5). DFO - BC coordination: Operational / Guidance / Standards

Jason

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**From:** Danks, Anthony ENV:EX [mailto:Anthony.Danks@gov.bc.ca]  
**Sent:** Thursday, March 07, 2013 04:29 PM Eastern Standard Time  
**To:** Hwang, Jason; Fanos, Brad  
**Subject:** Planning for the BC - DFO Meeting

Hi Guys: Based on our discussion yesterday afternoon (Lisa, Anthony, Jason) we were hoping to have a thumbs up on this last night/this morning so we could distribute with the meeting invite. We also understood you might provide a draft agenda. Just touching base to see how that is going.

FYI - I am out of the office next week.

Thanks,  
Anthony

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Anthony Danks  
Executive Director - Strategic Policy Branch  
B.C. Ministry of Environment  
phone: (250) 387-8483 fax: (250) 387-8894

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**From:** Paquin, Lisa C ENV:EX  
**Sent:** Wednesday, March 6, 2013 11:25 AM  
**To:** 'Hwang, Jason'  
**Cc:** Danks, Anthony ENV:EX; 'Brad.fanos@dfo-mpo.gc.ca'  
**Subject:** FW: Planning for the BC - DFO Meeting



Hi Jason, just left you a voice message to follow-up in advance of the March 20<sup>th</sup> meeting. I was hoping to send an updated note out to folks on the upcoming meeting. Right now it is a place holder in their calendar without much information and I would like to give them a few more details. I would also like to send the meeting invite out to the appropriate DFO folks – I can start by sending it to you, Brad, Bonnie and Nick but feel free to let me know if there are others who plan on attending. Cheers, Lisa

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**From:** Paquin, Lisa C ENV:EX

**Sent:** Monday, March 4, 2013 9:59 AM

**To:** 'Hwang, Jason'; 'Brad.fanos@dfo-mpo.gc.ca'

**Cc:** 'Antcliffe, Bonnie'; Danks, Anthony ENV:EX; Howard, Sara ENV:EX

**Subject:** Planning for the BC - DFO Meeting

Jason and Brad:

We are very pleased you and your colleagues from Ottawa are coming to Victoria to update us on the development of the Fisheries Act regulations. On behalf of the natural resource team here in Victoria, we want to ensure we are all on the same page for our March 20 meeting.

We understand the agenda is meant to cover policy work, reg. work and fisheries program restructuring. Although we are interested in a general update on federal progress, our desire is to use this time for some of the more specific areas of interest to British Columbia. Here are some of the policy and regulatory areas we would like to discuss:

1. How would commercial, recreational and aboriginal fisheries be defined in the regulation?
2. For BC, we currently manage our recreational fisheries using a low intensity model that considers ecosystems as well as species; we want to know how this will be recognized in the new regulations and policies.
3. We would like to understand how you will be defining ongoing productivity and how this will be implemented and measured.
4. How will you be defining and dealing with serious harm in the future, and what is your thinking in regard to policy and regulatory development in relation to this?
5. For low risk activities, what will the changes mean and how will we coordinate in the field?

We are not expecting draft language or wording, but would like to hear more about the intentions of where you are heading in these areas. We also understand there is going to be a policy session led by Nick Winfield prior to our meeting in Victoria, so we are hoping to hear some of the thinking coming from those discussions. As a result of this sharing of information, we will then be able to narrow our focus and input so it is of the most use to you.

We are finalizing a detailed table outlining BC's interests and advice, we hope to share it with all of you in advance of your internal policy discussions and to make our Victoria meeting as productive as possible.

In looking ahead over the next six months the provincial natural resource agencies would also like to discuss and understand:

- The respective roles of the federal government and province in coordinating project reviews;
- How the province and federal government can ensure a smooth transition through communication and training on the Fisheries Act changes for provincial operational staff; and

- As the policies and regulations are more fully developed it would be helpful to work through some case studies to gain a clearer understanding of how the new Fisheries Act will work.

Please feel free to give me a call if you have any questions about our expectations for the meeting. I am available until March 6<sup>th</sup> and after that, please feel free to contact Anthony Danks, Executive Director, Strategic Policy Branch, email: [Anthony.Danks@gov.bc.ca](mailto:Anthony.Danks@gov.bc.ca) , Ph: 250 387-8483.

Cheers,

***Lisa Paquin,***

Director

IGR and External Relations

Strategic Policy Branch

B.C. Ministry of Environment

Ph: 250-387-9661

Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

Tuesday, January 7, 2014  
11:31 AM

**Feyrer, Laura ENV:EX**

**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, December 12, 2013 4:49 PM  
**To:** Witt, Andy FLNR:EX; Marshall, Vicki FLNR:EX  
**Cc:** Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Subject:** CRA fishery - recreational fishery interpretation question

Hi Andy and Vicki. DFO has received a question from an environmental consultant about what species require provision for fish passage. The consultant has provided his understanding of the provincial view and has asked if that is consistent with the new Fisheries Act. I have provided a summary view on this below. I would like to discuss this with the appropriate people from BC to see if we can come up with a suitable way to address the issue. There was no specific timeline described when the question was posed to DFO, but this appears to be something that requires a discussion as soon as we can. Have a look at this and let me know what you think. Jason

- Fish that are part of commercial, recreational or Aboriginal fisheries are interpreted in the DFO Fisheries Protection Policy Statement to be those fish that fall within the scope of applicable federal or provincial fisheries regulations as well as those that can be fished by Aboriginal organizations or their members for food, social or ceremonial purposes or for purposes set out in a land claims agreement.
- The idea presented as the view of BC in the Peace is understood by DFO as it comes from guidance developed previously under the BC Forest Practices Code, however, this guidance is inconsistent with the DFO Policy Statement based on the current interpretation of the application of the fisheries regulations in BC.
- In addition, the view that is presented does not address consideration for aboriginal fisheries and does not consider potential effects to fish that support CRA fisheries.
- DFO and BC are currently having discussions on whether the fishery regulations in BC appropriately scope the fisheries that BC wants to manage. These discussions may result in additional interpretive guidance, but this is expected to take some time to develop.
- In conclusion, from a DFO perspective, the appropriate interpretation of a CRA fishery is the one that is described in the Fisheries Protection Policy Statement. This view attributed to BC in the Peace is not consistent with DFO's Policy Statement, and is not appropriate for determining whether the Fisheries Act 535 prohibition applies.

**Sent:** December-05-13 5:00 PM  
**To:** Hwang, Jason  
**Subject:** Changes to the Fisheries Act

Hi Jason, I listened in on your teleconference last week when you were summarizing the recent changes to the DFO Fisheries Act and policies for the IPP group. I was hoping that you might be able to clarify a quick question for me on that topic?

As far as fish passage is concerned for stream crossings, is DFO only concerned with recreational/commercial/aboriginal fish species? We are hearing from the province (the Peace in particular), that they only consider a fish to be that as defined as follows:

"It has been our practice to use the definition of fish stream as cited under the *Forest and Range Practices Act* (Forest Planning and Practices Regulation) which states:

"fish stream" means a watercourse that

(a) is frequented by any of the following species of fish:

- (i) anadromous salmonids;
- (ii) rainbow trout, cutthroat trout, brown trout, bull trout, Dolly Varden char, lake trout, brook trout, kokanee, largemouth bass, smallmouth bass, mountain whitefish, lake whitefish, arctic grayling, burbot, white sturgeon, black crappie, yellow perch, walleye or northern pike;
- (iii) a species identified as a species at risk;
- (iv) a species identified as regionally important wildlife. "

So in summary, can you confirm that non recreational/commercial/aboriginal fish species will not be covered under the Fisheries Act and that any direction concerning these species should come from the province?

Your insight is much appreciated on this matter.



Tuesday, January 7, 2014  
11:32 AM

**Feyrer, Laura ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, December 6, 2013 9:57 AM  
**To:** Feyrer, Laura ENV:EX  
**Subject:** RE: Meeting summary from Nov 6 teleconference with DFO on implementation of Fed FA changes.  
**Attachments:** Nov 6 DFO Meeting Summary (3).docx

Hi Laura. I have been behind on a few things and am catching up today. I have only one comment on the meeting summary. It is on the part about CRA fisheries and is within the attached document.

I am still following up on the AIS question.

Jason

**From:** Feyrer, Laura ENV:EX [mailto:Laura.Feyrer@gov.bc.ca]  
**Sent:** November-12-13 1:49 PM  
**To:** Hwang, Jason  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** Meeting summary from Nov 6 teleconference with DFO on implementation of Fed FA changes.

Hello Jason,

Please find attached our meeting summary from last week's teleconference with DFO on the implementation of the federal *Fisheries Act*. We have provided these to the working group for the reference of those who were not able to attend. If you have any questions on these please don't hesitate to contact myself or Lisa Paquin.

Regards,

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor  
Strategic Policy | BC Ministry of Environment  
P: 250.387.9796 | F: 250.387.8894 | E: [laura.feyrer@gov.bc.ca](mailto:laura.feyrer@gov.bc.ca)

Tuesday, January 7, 2014  
11:32 AM

November 6, 2013 BC -DFO briefing: Implementation of Federal Fisheries Act changes

Meeting Summary

Attendance:

DFO: Brad Fancos, Bonnie Antcliffe, Jason Hwang, Holly Pulvermacher, Joanne Lawrence

MOE (SPB, Water,) AGR (IGR), EAO, MOTI, MEM, FLNRO (Fish and Wildlife, Resource Management Objectives, FCBC, Regional Ecosystem Section Heads)

1. Provincial overview of DFO ADM level call announcing coming into force of FA changes:

- MOE, FLNRO, and AGR participated and summarized the fed-prov call.
- The final Fisheries Protection Policy (FPP) Statement and Operational guidance were released publically last week. Considered "evergreen."
- OIC will bring the second stage of FA legislative amendments and the regulation on timelines in CG2 into force on November 25, 2013.
- Additional guidance for proponents (interim for existing and new authorizations) now on website.
- Two new documents will be coming soon: 1) offsetting policy and 2) proponents self assessment guide.
- Face to face meeting will occur in Ottawa at end of November
- Now setting up calls with First Nations, industry and conservation groups.

2. DFO Overview and orientation on new materials

- **FPP statement** – comes into effect on Nov 25<sup>th</sup>, and follows the framework of the original discussion document. Replaces national habitat / No Net Loss policy and is oriented to the changes and key concepts in the FA. Provides policy intentions for implementation of serious harm, scope of application (CRA fisheries– which for BC, is all fish), permanent alterations, death of a fish, destruction of fish habitat, and ongoing productivity. Appears only small clarifications have been made since earlier draft. *DFO to clarify what has changed.*
- **Operational Approach** – a high level piece to describe DFO's new perspective. Focuses on a risk based approach to managing threats to CRA fisheries, and projects that result in serious harm. Puts the onus on proponents to avoid and mitigate impacts, and recognizes existing approaches, guidance, expertise, and tools that work already. Intention us to bring these online as per discussions with provinces. Low risk works will be managed through self assessment, although there will be some site specific guidance available from DFO.
- **Guidance for existing authorizations** – recognition that there may be existing authorizations with conditions no longer required under the new FA regime. Proponents have 90 days to request a DFO review of their authorizations. Following the review, DFO will determine whether to amend, rescind, or leave the authorization conditions as it. DFO doesn't have feedback on this approach yet.

#### November 6, 2013 BC-DFO briefing: Implementation of Federal Fisheries Act changes

- **Guidance for new authorizations** – relates to the CG2 regulation that was released today. There are two versions for two types of authorizations: standard, and emergency. Information requirements and timelines in regulation are only triggered once a proponent has applied for an authorization. However, one can still have a pre-authorization discussion. Incentive is to avoid impacts, and the approach is designed to work with proponent.
- **Overview of the changes to the Fisheries Act** – useful document that details all the changes in one place.

#### Questions:

- *Authorization in an emergency seems like a lot of work given demand for resources?*
- DFO response: not intended to slow emergency response down. Designed to issue an authorization quickly, where feasible.
- *Are the operational statements (self assessment guides) that are on the web accurate?*
- DFO: It is expected that this material will be replaced with other documents. It may be part of the self assessment criteria, there may be a national approach to standardizing guidance as far as it goes. Likely what is there now will be repackaged.
- *What will the website look like as of Nov 25<sup>th</sup>?*
- DFO: It will be a national site, regional pages will be taken down. The site will have self assessment tools to guide works and the process for authorization will be clear. If there are regional pieces that should stay, please advise.
- *Between now and Nov 25, what advice do we give proponents?*
- DFO: In the context of EA's the website should satisfy those needs.
- *Lists of marginal waterbodies, minor works, - is there an opportunity to review?*
- DFO: No, in the beginning the lists are fairly small, ie. man-made water bodies not connected to a natural waterway. These may evolve over time.

#### 3. Further detail on key concepts

- **Commercial Recreational Aboriginal fisheries definition** – nationally means a fish that requires a license to fish, or is identified as a treaty right. Broader in BC – i.e. does not currently exclude any fish. May discuss narrowing that down the line, as there are tools to do this by regulation. Currently includes non-native and aquatic invasive (AIS) species. Nothing as extreme as snakehead, but recreational species would be considered.
- *Question on how AIS regulation is connected to this. DFO to look into it.*
- **Fish that support definition** – may seem redundant but can be invoked later to identify exceptions.
- **Serious Harm** – this is being looked at through the lens of "what it means to a fish". Necessary to take this approach to get at productivity of fishery. Concept of localized effect (not entire population but not one fish) is to give an indication of how this is applied.

**Comment [D1]**  
Linking directly to fish that are good fisheries and water bodies of significance as those that their proponents have not cut

#### 4. Next Steps

November 6, 2013 BC -DFO briefing: Implementation of Federal Fisheries Act changes

- **Coordination on Fisheries Act Authorizations** – how does BC want to be involved in FA authorizations? Would authorizations involving marine, freshwater resident fisheries, or salmon be of interest? There have been agreements in the past but centralized model requires some new consideration moving forward.
- **BC Response:** *We approach things from an ecosystem perspective so aligning interests based on species doesn't make sense. Need to consider opportunities for efficiencies moving forward.*
- **Fisheries Management Objectives (FMO)** – these have been implicitly considered in the past. New legislation requires that DFO justify authorizations in light of FMO's. BC may want to consider how they want to be involved and identify their objectives.
- **Coordination and priorities for short – long term engagement:** DFO is revisiting this given the new statutes and authorities. What are the provincial issues?
- **BC:** *Project reviews need to look at the entire fish community. Provincial responsibilities are concerned with the ecosystem perspective. When can we begin to engage more effectively on the process of developing guidance relevant to BC?*
- **DFO:** *in the absence of national guidance, we can work on it bi-laterally. The material that comes nationally will provide high level guidance.*

**Short Term :**

- Operational level coordination required. Need to discuss with section heads, water licenses, etc. May be more relevant once proponent self assessment is available.
- Strategic policy level priority setting – provincial agenda and interests – e.g. Riparian Area Regulation (RAR)?
- DFO communications being lead nationally and regionally with industry and conservation groups. Opportunities for provincial involvement? DFO will look into it.

**Action Items:**

1. DFO to clarify what has changed in latest version of the FPP statement (and regulation).
2. DFO to look into how AIS regulation is connected to the inclusive definition of CRA in BC.
3. BC to identify if there are regional pieces of guidance on DFO website that should stay.
4. BC to consider how they want to provincial FMOs and other guidance to be identified.
5. BC to consider provincial priorities and interests for engagement moving forward with DFO.
6. BC-DFO to coordinate an operational level discussion in the short term (before Nov 25).
7. DFO will look into opportunities for provincial involvement in communication sessions on changes being coordinated with industry and conservation groups.



Tuesday, January 7, 2014  
1:15 PM

**Feyrer, Laura ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, November 22, 2013 7:12 PM  
**To:** Witt, Andy FLNR:EX  
**Cc:** Pulvermacher, Holly; Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Subject:** RE: draft agenda for BC-DFO discussion next week

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Andy. I would also propose one more agenda item:

- BC interest in contributing to DFO regulatory decisions; marine habitat/FW salmon habitat/FW non-salmon habitat

I will call you Monday. I might be a bit late for our 3:00 start time as I have a session running right to then. I will call you as soon as I am available.

Jason

**From:** Hwang, Jason  
**Sent:** November-21-13 5:33 PM  
**To:** Andy Witt (andy.witt@gov.bc.ca)  
**Cc:** Pulvermacher, Holly; Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Subject:** draft agenda for BC-DFO discussion next week

Hi Andy. Here is a draft agenda for Monday next week as per my task from our last call. Feel free to suggest any changes.

1. Orientation to documents on DFO website – (we are expecting some new material in the next day or so)
2. CRA fish interpretation – what is in DFO Policy, BC's view, is there any urgent attention needed here?
3. Serious Harm interpretation and application, what is in DFO Policy, BC's view, is there any urgent attention needed here?
4. Fisheries Act intersection with provincial regulatory business - is there any urgent attention needed here?
5. Existing arrangements, guidance and agreements. Anything urgent? Approach to review?
6. Fishery Management Objectives - BC's view, is there any urgent attention needed here?
7. How to orient provincial staff to the changes (who needs to know what, priority for communicating – is anything urgent, best approach, action plan)

In the course of this, I think we will have the ability to include the majority of issues raised by BC in correspondence to DFO. If there are particular points you would like to see us discuss, feel free to add them.

I am open to any other suggestions, or a different approach to the agenda.

Jason

**Feyrer, Laura ENV:EX**

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**Subject:** FW: DFO Fisheries Protection update meeting  
**Location:** DFO HQ 401 Burrard St, boardroom 2E  
**Start:** Mon 2013-11-25 1:30 PM  
**End:** Mon 2013-11-25 3:30 PM  
**Recurrence:** (none)  
**Meeting Status:** Accepted  
**Organizer:** Hwang, Jason

Hi all. Here is the invite for the Monday afternoon session next week with some conservation groups. Can one of you please forward to Vicki Marshall. Her email is not on the BC Gov't directory that I looked up. Thanks. Jason.

-----Original Appointment-----

**From:** Hwang, Jason  
**Sent:** November-21-13 4:29 PM  
**To:** Hwang, Jason; 'Brian Riddell ([briddell@psf.ca](mailto:briddell@psf.ca))'; 'Dianne Ramage'; 'alan\_martin@shaw.ca' ([alan\\_martin@shaw.ca](mailto:alan_martin@shaw.ca)); 'alanlill@shaw.ca' ([alanlill@shaw.ca](mailto:alanlill@shaw.ca)); Antcliffe, Bonnie; Beattie, Alasdair; Pulvermacher, Holly; Sidhu, Navneet  
**Subject:** DFO Fisheries Protection update meeting  
**When:** November-25-13 1:30 PM-3:30 PM (UTC-08:00) Pacific Time (US & Canada).  
**Where:** DFO HQ 401 Burrard St, boardroom 2E

Hi everyone, further to my recent emails, here is the meeting invitation for the DFO Fisheries Protection program update meeting next week. My understanding is that Brian Riddell will dial in, and that Al Martin, Al Lill and Diane Ramage will attend in person. Please let me know if there are any changes to this.

In person: The meeting will be at the DFO HQ at 401 Burrard, Room 2E

Teleconference: If you would like to join via teleconference use the following: 1 877 413 4781 / 872 4514

The agenda will be as follows:

- 1) review of key FA changes
- 2) orientation to the Fisheries Protection Policy Statement
- 3) Authorization Process
- 4) Transitional Authorizations
- 5) Operational Approach
- 6) Orientation to additional documents now up on the website

We will be using the attached presentation.

<<Engagement Deck - Overview Nov 6.pdf>>

If you have any questions feel free to contact me via phone or email.

Jason Hwang, DFO Fisheries Protection Program

Office (250) 851 4870



Engagement Deck  
Overview Nov...

Cell s.17

Pages 98 through 101 redacted for the following reasons:

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Not Responsive

**Feyrer, Laura ENV:EX**

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**From:** Feyrer, Laura ENV:EX  
**Sent:** Tuesday, November 12, 2013 1:49 PM  
**To:** 'Hwang, Jason'  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** Meeting summary from Nov 6 teleconference with DFO on implementation of Fed FA changes.  
**Attachments:** Nov 6 DFO Meeting Summary.docx

Hello Jason,

Please find attached our meeting summary from last week's teleconference with DFO on the implementation of the federal *Fisheries Act*. We have provided these to the working group for the reference of those who were not able to attend. If you have any questions on these please don't hesitate to contact myself or Lisa Paquin.

Regards,

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor  
Strategic Policy | BC Ministry of Environment  
P: 250.387.9796 | F: 250.387.8894 | E: [laura.feyrer@gov.bc.ca](mailto:laura.feyrer@gov.bc.ca)



Tuesday, January 7, 2014  
1:23 PM

**Feyrer, Laura ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, November 8, 2013 2:00 PM  
**To:** Witt, Andy FLNR:EX  
**Cc:** Feyrer, Laura ENV:EX  
**Subject:** Fisheries Act transition discussion

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Andy. I was just chatting with Laura and she said I should contact you to see if you are interested/available for a discussion next week as follow up from our conference call this week. From my end, I see 2 things as immediately important:

- 1) to make sure that as much as possible that key people in BC gov't understand the Fisheries Act changes and how it will work once the transition comes into force,
- 2) to make sure there are no major headaches from a coordination perspective once the changes come into force.

I am certainly open to discussing other things as well. I recognize that there are also more strategic things to discuss, but I thought it would be good to focus on things that might be issues immediately upon the transition.

Let me know what works for you. Jason.

Pages 104 through 108 redacted for the following reasons:

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Not Responsive

**Feyrer, Laura ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfw-mpo.gc.ca]  
**Sent:** Wednesday, November 6, 2013 9:30 AM  
**To:** Feyrer, Laura ENV:EX  
**Subject:** RE: DFO info

The Order in Council establishing the coming into force date of the amendments to the *Fisheries Act* has now been published in the *Canada Gazette*, Part II (<http://www.gazette.gc.ca/rp-pr/p2/2013/2013-11-06/html/si-tr116-eng.php>). The *Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations* and the accompanying Regulatory Impact Analysis Statement have also been published in the *Canada Gazette*, Part II (<http://www.gazette.gc.ca/rp-pr/p2/2013/2013-11-06/html/sor-dors191-eng.php>).

**From:** Feyrer, Laura ENV:EX [mailto:Laura.Feyrer@gov.bc.ca]  
**Sent:** November-06-13 9:26 AM  
**To:** Hwang, Jason; Paquin, Lisa C ENV:EX  
**Subject:** RE: DFO info

Hi Jason,

Could you please advise if you have any material to provide to participants for our call this afternoon?

Thanks

Laura

**From:** Hwang, Jason [mailto:Jason.Hwang@dfw-mpo.gc.ca]  
**Sent:** Wednesday, November 6, 2013 9:00 AM  
**To:** Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Subject:** DFO info

Hi Lisa and Laura. I am writing to give you a quick heads up that the DFO National webpage has been updated this morning with Fisheries Protection Program information. I expect that a more official communication will follow, but I thought I would direct you to this so that you can pass it on to folks that will be on the call this afternoon.

On the DFO webpage, go to the ecosystems tab, the working near water heading, and click the "more" link. On this page you will see the following:

- The Fisheries Protection Policy
- The Operational Approach
- Guidance for existing and new authorizations
- An overview of changes to the Fisheries Act.

I think you have seen most of this information already. In my scan this morning, the points that I think will be new to you are:

- There is a statement that the changes to the Fisheries Act will come into force November 25.
- The guidance for existing and new authorizations.

As noted above, there will probably be something more formal to follow. Feel free to call if you have any questions.  
Jason.

## Feyrer, Laura ENV:EX

**Subject:** Federal Fisheries Protection Policy Discussion with DFO  
**Location:** CSNR R Victoria 2975 Jutland 1st FI RM 1-3 (seats 13-18) CSNR:EX

**Start:** Mon 2013-09-23 10:30 AM  
**End:** Mon 2013-09-23 12:00 PM

**Recurrence:** (none)

**Meeting Status:** Meeting organizer

**Organizer:** Feyrer, Laura ENV:EX  
**Required Attendees:** Paquin, Lisa C ENV:EX; Carswell, Barron AGRI:EX; Neilson, Larry AGRI:EX; Wilson, Andrew S FLNR:EX; Witt, Andy FLNR:EX; Marshall, Vicki FLNR:EX; Down, Ted ENV:EX; White, Ted T ENV:EX; Herborg, Matthias ENV:EX; Vukelich, Vera FLNR:EX; Collison, Sarah FLNR:EX; Helmer, Lisa OGC:IN; Messenger, Meggin A CSCD:EX; Rothe, Karen J CSCD:EX; Wong, Sean TRAN:EX; Commissionaire 2975 Jutland CSNR:EX; Furness, Grant A FLNR:EX; Czernick, Greg G TRAN:EX; Hwang, Jason; Fanos, Brad  
**Optional Attendees:** Carr, Michelle EAO:EX; van der Gulik, Ted AGRI:EX; Trotter, David B AGRI:EX; McReynolds, Tom W FLNR:EX; Miller, Ian C FLNR:EX; Thomson, Barbara L. MEM:EX; Koncohrada, Karen MEM:EX; Johnstone, Heather MEM:EX; Smith, Chris MEM:EX; Craven, Paul IGRS:EX; Walman, Bart IGRS:EX; Beak, Lynn ABR:EX; Simonson, Terry ABR:EX; Dale, Alec R ENV:EX; Wilson, Greg ENV:EX; Ptolemy, Ron ENV:EX; Sabourin, Justin ENV:EX; Kriwoken, Lynn ENV:EX; Luke, Alison ENV:EX; Cieslak, Valerie ABR:EX; Danks, Anthony ENV:EX; Antill, John EAO:EX; Wilkerson, Stacey L FLNR:EX; Murphy, Brian EAO:EX; Madill, Howard D OGC:IN; Horsman, Natasha EAO:EX  
**Resources:** CSNR R Victoria 2975 Jutland 1st FI RM 1-3 (seats 13-18) CSNR:EX

### For those who are interested

DFO will be answering questions on the recently released Federal Fisheries Protection Policy as part of the changes to the Fisheries Act. We will share our draft provincial response (due Sept 27) and have a Q&A for those that are interested.

We will also discuss next steps for engaging on the cross cutting (ALL) follow up items coming out of our July 10 workshop.

Additional details and agenda planning will be discussed at our regular meeting on Sept 18.

### For those who are phoning in:

Dial-in Phone Number: 1-877-353-9184  
 Participant Conference ID: 9126285 #

Thanks!

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor  
 Strategic Policy | BC Ministry of Environment  
 P: 250.387.9796 | F: 250.387.8894 | E: [laura.feyrer@gov.bc.ca](mailto:laura.feyrer@gov.bc.ca)

**Feyrer, Laura ENV:EX**

---

**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, September 12, 2013 10:54 AM  
**To:** Feyrer, Laura ENV:EX; Fanos, Brad; Magnan, Alain  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** RE: DFO meeting with BC NRS proposed Sept 18

Hi Laura. On the DFO side, the best option from your proposed dates is Sept 23 10:30 – 12. Brad, Al and I are confirmed as available. Our Regional Director Bonnie Antcliffe may join, but is not confirmed. Also, I think a representative from our Policy group in Ottawa may also dial in. If you can send a meeting invite to me and Brad, we can distribute to DFO attendees. Jason

**From:** Feyrer, Laura ENV:EX [mailto:Laura.Feyrer@gov.bc.ca]  
**Sent:** September-10-13 10:20 AM  
**To:** Hwang, Jason; Fanos, Brad  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** RE: DFO meeting with BC NRS proposed Sept 18

Hi Jason – further to our conversation please find some alternate dates that could work for the majority of our group to discuss the FPP with DFO. Please advise soonest what might be feasible for you so that we can secure a time.

Thanks,

Laura

- \* Sep 18, 10:30 -12
- \* Sep 23, 10:30 – 12
- \* Sep 25, 1 – 2:30

**From:** Feyrer, Laura ENV:EX  
**Sent:** Thursday, September 5, 2013 4:23 PM  
**To:** Hwang, Jason; Fanos, Brad  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** DFO meeting with BC NRS proposed Sept 18

Hi Jason and Brad,

The BC NRS just had our first meeting since the revised Fisheries Protection Policy has been released and it was suggested that DFO regional staff be invited to meet and discuss with our group. We were hoping to focus on questions regarding the policy and if we have time address some cross-cutting follow up items coming out of the July 10 workshop.

Ideally we would like to meet before we provide our response to DFO on the FPP document as requested by September 27. We already have 1.5 hr meeting scheduled for September 18 from 1:30 – 3pm with the group. Would someone from DFO be available to participate in that meeting or should we look for another time?

Please advise and I would be happy to send out an invite. We can then arrange a call prior to that time to discuss more specifics regarding the agenda if that makes sense.

Thanks



Laura

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**Feyrer, Laura ENV:EX**

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**From:** Feyrer, Laura ENV:EX  
**Sent:** Tuesday, September 10, 2013 10:20 AM  
**To:** Hwang, Jason; Fanos, Brad  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** RE: DFO meeting with BC NRS proposed Sept 18

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**Feyrer, Laura ENV:EX**

---

**From:** Feyrer, Laura ENV:EX  
**Sent:** Wednesday, August 7, 2013 3:23 PM  
**To:** 'Engelsjord, Michael'  
**Cc:** Paquin, Lisa C ENV:EX; 'Fanos, Brad'; 'Hwang, Jason'; 'Runciman, Bruce'  
**Subject:** RE: BC-DFO meeting record July 10\_BC rev

Thanks for your review Michael. Will anyone else at DFO be providing any additional edits or can we incorporate your changes and redistribute to our participants?

Many thanks,

Laura

Laura Joan Feyrer, MSc.  
Acting Director, IGR and External Relations Branch  
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**From:** Engelsjord, Michael [<mailto:Michael.Engelsjord@dfo-mpo.gc.ca>]  
**Sent:** Thursday, August 1, 2013 5:50 PM  
**To:** Feyrer, Laura ENV:EX  
**Cc:** Paquin, Lisa C ENV:EX; Fanos, Brad; Hwang, Jason; Runciman, Bruce  
**Subject:** RE: BC-DFO meeting record July 10\_BC rev

Hi Laura,

Thanks for preparing this meeting record. I have some suggested edits in the attached version.

Regards,

Michael Engelsjord  
Team Leader  
Fisheries Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada, Pacific Region  
Telephone: 604-666-2365  
Email: [Michael.Engelsjord@dfo-mpo.gc.ca](mailto:Michael.Engelsjord@dfo-mpo.gc.ca)

**From:** Feyrer, Laura ENV:EX [<mailto:Laura.Feyrer@gov.bc.ca>]  
**Sent:** July 26, 2013 2:45 PM  
**To:** Fanos, Brad; Engelsjord, Michael; Hwang, Jason; Runciman, Bruce  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** BC-DFO meeting record July 10\_BC rev

Hi Brad and Crew,

Please find attached the draft of our July 10 DFO-BC meeting record. This record has been reviewed by the provincial representatives who attended. Following your review could you provide any additional

clarifications or revisions to this document to me so that I could redistribute a final version to those who attended for their records. We are happy to go over the document with you if you have any questions.

The NRS FA working group will remain a central point of contact for DFO in reviewing materials and correspondence, however individual agencies will need to set up their own bilateral meetings with DFO on the action items identified coming out of the workshop. We have indicated agency/ program contacts for DFO for follow up items.

Cross cutting issues may need further NRS sector consideration (through the working group) for bilateral negotiation with DFO those items have been flagged as (ALL).

Best,

Laura

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**Feyrer, Laura ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, August 1, 2013 10:47 AM  
**To:** Feyrer, Laura ENV:EX  
**Cc:** Chow, Brian FLNR:EX  
**Subject:** Re: Updated Draft NRS Fisheries Act Info Note

Sure. Brian, I am at meetings in the Yukon this week and cell service is limited. I will try to call you. Jason

**From:** Feyrer, Laura ENV:EX [mailto:Laura.Feyrer@gov.bc.ca]  
**Sent:** Thursday, August 01, 2013 01:17 PM Eastern Standard Time  
**To:** Hwang, Jason  
**Cc:** Paquin, Lisa C ENV:EX <Lisa.Paquin@gov.bc.ca>; Chow, Brian FLNR:EX <Brian.Chow@gov.bc.ca>  
**Subject:** FW: Updated Draft NRS Fisheries Act Info Note

Hi Jason,


Could you arrange to discuss by phone with Brian and let me know what you figure out as follow up?

Thanks

Laura

**From:** Chow, Brian FLNR:EX  
**Sent:** Thursday, August 1, 2013 9:26 AM  
**To:** Feyrer, Laura ENV:EX  
**Subject:** RE: Updated Draft NRS Fisheries Act Info Note

Probably best if I discuss with Jason – do you have a contact number? Thanks.

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**From:** Feyrer, Laura ENV:EX  
**Sent:** Thursday, August 1, 2013 9:25 AM  
**To:** Chow, Brian FLNR:EX  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** FW: Updated Draft NRS Fisheries Act Info Note

Hi Brian

Jason from DFO is not totally clear on your question (please see below) – is it with regard to deleterious substances? Or is it HADD? Any additional clarification you could provide or examples would be useful for getting this figured out.

Thanks

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**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Wednesday, July 31, 2013 3:42 PM  
**To:** Feyrer, Laura ENV:EX  
**Subject:** Re: Updated Draft NRS Fisheries Act Info Note

It might be good to get clarification from Brian on his question. Deposit of a deleterious substance is a separate prohibition in the FA (s. 36) from the HADD or Serious Harm prohibition (s. 35). I am not sure what operational implication he is thinking about, but perhaps if he could explain it we might be able to answer his question more specifically?

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**Cc:** Fanos, Brad; Paquin, Lisa C ENV:EX <[Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)>  
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I think Brian's concern stems from a discussion I loosely remember on case law interpretations, which from his past experience have been unable to prove a HADD based only on the deposit. He thought it was suggested at the meeting that the changes have simplified the burden of proof for DFO.

I guess whether or not this was what was said during our July 10 meeting, any clarification on this issue would be appreciated.

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**Sent:** Wednesday, July 31, 2013 12:56 PM Eastern Standard Time  
**To:** Hwang, Jason  
**Cc:** Paquin, Lisa C ENV:EX <[Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)>; Fanos, Brad; Chow, Brian FLNR:EX <[Brian.Chow@gov.bc.ca](mailto:Brian.Chow@gov.bc.ca)>  
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Many thanks

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**Sent:** Tuesday, July 30, 2013 4:41 PM  
**To:** Feyrer, Laura ENV:EX  
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Hi Laura,

Went quickly through the July 10 meeting summary and the DFO presentation. Did not see specific reference to a point that I believed I heard, that the legislation was being changed such that there would not be a requirement to demonstrate a detrimental effect (ie. dead fish) only that a deleterious substance had been introduced into fish stream or habitat.

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**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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**Feyrer, Laura ENV:EX**

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**Subject:** RE: Updated Draft NRS Fisheries Act Info Note

Hi Jason,

I think Brian's concern stems from a discussion I loosely remember on case law interpretations, which from his past experience have been unable to prove a HADD based only on the deposit. He thought it was suggested at the meeting that the changes have simplified the burden of proof for DFO.

I guess whether or not this was what was said during our July 10 meeting, any clarification on this issue would be appreciated.

Thanks

Laura

**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Wednesday, July 31, 2013 3:23 PM  
**To:** Feyrer, Laura ENV:EX  
**Cc:** Fanos, Brad; Paquin, Lisa C ENV:EX  
**Subject:** Re: Updated Draft NRS Fisheries Act Info Note

Hi Laura, I am almost certain that the statute as it stands now prohibits the deposit of a deleterious substance and does not require evidence of dead fish, and I don't think the Fisheries Act changes have introduced any change on this point. I will confirm and get back to you. Jason

**From:** Feyrer, Laura ENV:EX [<mailto:Laura.Feyrer@gov.bc.ca>]  
**Sent:** Wednesday, July 31, 2013 12:56 PM Eastern Standard Time  
**To:** Hwang, Jason  
**Cc:** Paquin, Lisa C ENV:EX <[Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)>; Fanos, Brad; Chow, Brian FLNR:EX <[Brian.Chow@gov.bc.ca](mailto:Brian.Chow@gov.bc.ca)>  
**Subject:** FW: Updated Draft NRS Fisheries Act Info Note

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Many thanks

Laura

**From:** Chow, Brian FLNR:EX  
**Sent:** Tuesday, July 30, 2013 4:41 PM  
**To:** Feyrer, Laura ENV:EX  
**Subject:** RE: Updated Draft NRS Fisheries Act Info Note

Hi Laura,

Went quickly through the July 10 meeting summary and the DFO presentation. Did not see specific reference to a point that I believed I heard, that the legislation was being changed such that there would not be a requirement to

demonstrate a detrimental effect (ie. dead fish) only that a deleterious substance had been introduced into fish stream or habitat.

If this is correct, it has a significant operational implication.

It would be worthwhile to get clarification from DFO on this point. Thanks.

☺ **Brian Chow, M.Eng., P.Eng.**

**Chief Engineer**

Engineering Branch, Timber Operations and Pricing  
Ministry of Forests, Lands and Natural Resource Operations  
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e-mail: [brian.chow@gov.bc.ca](mailto:brian.chow@gov.bc.ca)



**Feyrer, Laura ENV:EX**

---

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e-mail [brian.chow@gov.bc.ca](mailto:brian.chow@gov.bc.ca)

**Feyrer, Laura ENV:EX**

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**From:** Feyrer, Laura ENV:EX  
**Sent:** Wednesday, July 31, 2013 9:56 AM  
**To:** 'Hwang, Jason'  
**Cc:** Paquin, Lisa C ENV:EX; 'Fanos, Brad'; Chow, Brian FLNR:EX  
**Subject:** FW: Updated Draft NRS Fisheries Act Info Note

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 **Brian Chow, M.Eng., P.Eng.**  
**Chief Engineer**  
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e-mail: [brian.chow@gov.bc.ca](mailto:brian.chow@gov.bc.ca)

**Feyrer, Laura ENV:EX**

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**From:** Feyrer, Laura ENV:EX  
**Sent:** Friday, July 26, 2013 2:45 PM  
**To:** 'Fanos, Brad'; 'Engelsjord, Michael'; 'Hwang, Jason'; 'Runciman, Bruce'  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** BC-DFO meeting record July 10\_BC rev  
**Attachments:** BC-DFO meeting record July 10\_BC rev.docx

Hi Brad and Crew,

Please find attached the draft of our July 10 DFO-BC meeting record. This record has been reviewed by the provincial representatives who attended. Following your review could you provide any additional clarifications or revisions to this document to me so that I could redistribute a final version to those who attended for their records. We are happy to go over the document with you if you have any questions.

The NRS FA working group will remain a central point of contact for DFO in reviewing materials and correspondence, however individual agencies will need to set up their own bilateral meetings with DFO on the action items identified coming out of the workshop. We have indicated agency/ program contacts for DFO for follow up items.

Cross cutting issues may need further NRS sector consideration (through the working group) for bilateral negotiation with DFO those items have been flagged as (ALL).

Best,

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor  
Strategic Policy | BC Ministry of Environment  
P: 250.387.9796 | F: 250.387.8894 | E: [laura.feyrer@gov.bc.ca](mailto:laura.feyrer@gov.bc.ca)

Tuesday, January 7, 2014  
1:24 PM

#### DFO-BC WORKSHOP Meeting Record JULY 10, 2013

##### Workshop Participants

###### Provincial Agencies

###### *in person*

Kristin Worsley (EAO)  
Natasha Horsemann (EAO)  
John Antill (EAO)  
Edwin Hubert (EAO)  
Andy Wirt (FLNRO)  
Brian Chow (FLNRO)  
Ian Miller (FLNRO)  
Larry Nielson (MA)  
Ann Moody (MEM)  
Barbara Thomson (MEM)  
Ted Down (MOE)  
Ron Ptolemy (MOE)  
Alison Luke (MOE)

Laura Feyrer (MOE)  
Lisa Paquin (MOE)  
Sean Wong (MOTI)

###### *Via Phone*

Karen Rotha (CSCD)  
Dave Trotter (MA)  
Barron Carswell (MA)  
Ted Van der Gulik (MA)  
Richard Thompson (MOE)  
Daryl Nolan (MOTI)  
Grant Furriss (FLNRO)

###### DFO attendees:

###### *in person*

Brad Fanos, Regional Manager, DFO Fisheries  
Protection Program (Vancouver)  
Mike Engelsjord, Manager, Project Review  
Triage Unit (Vancouver)

Bruce Runciman, Coordinator, Client Liaison and  
Partnerships (Kamloops)  
Jason Hwang, DFO Fisheries Protection Program  
(Kamloops)

###### *via phone*

Joanne Lawrence, Policy Analyst (Vancouver)

##### Meeting Summary

###### 1. Clarify how the DFO triage process works

DFO provided an overview ppt on the Fisheries Protection Program Implementation. Areas discussed included changes to legislation and policy, Program overview and organizational structure, the Regulatory Review or "triage process", a review of the DFO partnerships and guidelines standards unit, and an update on roles and responsibilities

###### 2. Case study examples

Processes and questions provided by BC agencies. See meeting agenda for specific details.

NRS FA working group remains the central point of contact for DFO in reviewing materials and correspondence, as well as for cross cutting issues needing higher level interagency consideration for the record those items have been flagged as [ALL]. Provincial agencies are otherwise responsible for setting up their own bilateral meetings with DFO on the action items identified to date and will report back any updates, changes or decisions to the working group. Provincial agency/ program contacts have been indicated for reference on follow up items coming out of the case study conversations.

DFO-BC WORKSHOP Meeting Record JULY 10, 2013

Meeting Record and Action Items

1. Clarify DFO triage process.

Questions on DFO Presentation

- What will the future policy guidance document look like and how will it be linked to the act and used?
- A) Aprox. 12 pg document that will inform guidance on implementing the act with more detail than the draft Policy Discussion Document (May 2013). Similar to the 1986 document, but may be broader than just prohibitions focussing on management.
- What is the process for integrating comments on policy documents and regulations?
- A) Process being lead out of Ottawa, regional influence is limited.
- Will the organizational structure mean a reduced field presence? What is the staff complement in the Vancouver / Nanaimo Offices?
- A) Not necessarily, priority files will still get attendance, however it will require more travel. There are aprox. 20 staff at each office.
- What is DFO's role in upfront planning prior to referrals? How do the referral unit and partnership unit work together?
- A) Partnership guidelines and standards will coordinate planning work to the degree that DFO has the mandate to engage. While this unit is removed from referrals to the degree it can be, there will be significant coordination between the two units. Fisheries Management Objectives (FMO) will require engagement with prov.
- What is the level of information required for an authorization?
- A) There are 2 levels. First level - basic information: an enquiry regarding the need for an authorization, Second level - more detailed information: Apply for the authorization.
- How are timelines for authorization applied?
- A) Information requirements need to be fulfilled before clock starts.
- How do you know if a proponent who has not requested an authorization is engaging in work?
- A) Proponent notification is requested but not required as per Fisheries Act.
- How will compliance and enforcement of non-authorized work be engaged? Won't this new process leave room for proponents to take advantage or misinterpret the requirements for an authorization?
- A) Investigations will depend on complaints and recommendations taken through the reporting hotline/ website. C&E is a different unit in the Fisheries and Aquaculture branch. This is not a change in policy as FA authorizations have always been subject to self assessment. Public complaints have been the main source of investigation. Less regional presence means that the public have to learn a new mechanism for registering concerns.

DFO-BC WORKSHOP Meeting Record JULY 10, 2013

	<ul style="list-style-type: none"> <li>• What is the link to the provincial guidance and policy for works in and about a stream?</li> <li>A) Need to include this as a link on the DFO website.</li> <li>• How does high/low risk defined?</li> <li>A) Not specifically defined in policy. Still using current risk management framework. Additional screening tools may be developed.</li> <li>• What is the role for DFO managing fish SAR?</li> <li>A) Includes all fish, including mussels. Will include consideration in all authorizations. Still working out coordination of roles for SARA. Will consult with internal experts. Recognize that freshwater species are a joint management process.</li> <li>• Given DFO is no longer participating in BC-only EAO, will that just be future or current projects?</li> <li>A) Both. May still attend select working group meetings as part of aboriginal engagement and information source. EA unit within DFO is gone. Capacity is limited through the FPF unit.</li> <li>• Do the triage and C&amp;E hotlines also apply to provincial communications? If not who are our key contacts?</li> <li>A) Previous contacts may no longer be useful due organization re-structure. Recognize need for a process to work with the province moving forward, but largely depends on the context/ situation.</li> </ul>
Next Steps	<ul style="list-style-type: none"> <li>• Local government interests are significant and DFO needs to update them on developments through UBCM.</li> </ul>
BC contacts for cross-cutting issues :	<ul style="list-style-type: none"> <li>• DFO / BC to discuss role of FMO (MoE, FLNRO, MoA)</li> <li>• Review DFO website and authorization process and provide feedback to DFO. (BC)</li> <li>• BC to provide DFO with draft mitigation policy (MoE)</li> </ul>
BC NRS WG – Lisa Paquin Laura Feyrer	<ul style="list-style-type: none"> <li>• Discuss joint management of freshwater SAR (MoE, MoA, FLNRO)</li> <li>• DFO to meet with BC EA on potential gaps in review process.</li> <li>• Determine process for engaging BC in referral coordination and C&amp;E (ALL)</li> </ul>
Ministry of Transportation - Sean Wong	<ul style="list-style-type: none"> <li>• With consideration of DFO “working near water” website and referral request forms as de facto policy. BC agencies to review and discuss further (ALL)</li> </ul>



DFO-BC WORKSHOP Meeting Record JULY 10, 2013

2. Case study examples	
A. MOE Case Study	<p><b>Key Messages From DFO on Water License application Process</b></p> <ul style="list-style-type: none"> <li>The process for authorization is proponent driven. Proponent goes to website to self assess. They can request a review or apply.</li> <li>Once a proponent applies or sends a request for review, DFO goes through triage process to review whether the prohibition (serious harm) applies through large/small hydro unit within DFO. Then an authorization and recommendations to offset or mitigate are issued.</li> <li>Previous process was inconsistent between regions for provincial referrals on water licenses. Now centralized through triage centre.</li> </ul>
Provincial Questions & Concerns on MoE Case Study	<ul style="list-style-type: none"> <li>What is high/ low risk? How is that defined?</li> <li>A) Not currently defined but may be done at a later date as a policy tool for streamlining evaluation of applications.</li> <li>How will provincial review be coordinated with DFO referral? Water licenses are a BC regional process, how will this coordinate with DFO centralized regime? What is the workflow to connect these agencies?</li> <li>A) Not sure yet. Currently there is no process to coordinate. Open to a cooperative arrangement through Standards, guidelines and partnerships branch.</li> <li>Could get through provincial process and then require an authorization from DFO. Leaves proponents uncertain. Is the onus on BC now to do a review?</li> <li>A) Provincial regulator could refer proponent to DFO website for regulatory certainty.</li> <li>How do you ensure the proponent does an accurate self assessment?</li> <li>A) FA is a reactive tool, not a prerequisite. Information requirements are legislated, extensive and required to complete an application. FA has always required self assessment. C&amp;E can address violations of the prohibition.</li> </ul>
Next Steps	<ul style="list-style-type: none"> <li>DFO &amp; BC need to establish cross agency framework for provincial engagement and coordination on DFO referrals where BC also issues permits or licenses. Identify overarching process for coordinating DFO/BC involvement then individual agencies can identify area or sector based thresholds. (ALL)</li> </ul>
BC contacts for follow up :	
Ted Down Ron Ptolemy	<ul style="list-style-type: none"> <li>DFO and BC to look at incorporating MoE's draft mitigation policy (significant update on BC's policy is pending).</li> <li>DFO to share the scope on serious harm and HADD (low/high risk thresholds). DFO to provide a clearer understanding (ie. examples) of how an authorization is processed when an authorization is needed.</li> </ul>

## DFO-BC WORKSHOP Meeting Record JULY 10, 2013

	<ul style="list-style-type: none"> <li>• BC to look at establishing better lists of stream flow requirements, thresholds, and flow sensitive areas for DFO consideration.</li> <li>• BC to identify the provincial legal requirements to protect fish habitat in this or other cases where FA has been backstop.</li> <li>• BC to identify potential triggers and process for requiring DFO review on water licenses.</li> </ul>
B. FLNRO Case Study:	<p>Key Messages From DFO on Approvals under S. 9 of the <i>Water Act</i></p> <ul style="list-style-type: none"> <li>• Letter of advice to proponents/ authorization being given.</li> <li>• There is a difference between HADD variance and Serious Harm variance. For the time being still responding to RAR variances, but the response is different.</li> <li>• Mandate and reduced capacity may mean a need to renegotiate the Intergovernmental Agreement.</li> <li>• Will need to filter out those cases that do not affect streamside vegetation. Brownfield sites may be a gap because of vegetation.</li> <li>• What has been identified as best practises will still be best practises. Do not see a need to change existing guidelines.</li> <li>• Front Counter BC has been given updated DFO referral forms, but are not doing screening.</li> </ul>
Provincial Questions & Concerns on FLNRO Case Study	<ul style="list-style-type: none"> <li>• Emphasizes need for standardized approach for provincial referrals to DFO.</li> <li>• Compensation, mitigation not in legislative mandate.</li> </ul>
Next Steps	<ul style="list-style-type: none"> <li>• DFO- BC to flag the IG agreement as high priority to reassess.</li> <li>• DFO to look at RAR and how it will work going forward.</li> </ul>
BC contacts : RARR - Stacy Wilkerson	<ul style="list-style-type: none"> <li>• BC to look at BC regulation requiring DFO approval.</li> <li>• BC to review BC application form to identify if it can be modified to simplify referral process. DFO suggestion is to clarify by identifying – “what is the fishery and what is the harm?”</li> </ul>
Vicki Marshall	<ul style="list-style-type: none"> <li>• BC to look at Okanagan referral process as a broader model for engagement between DFO and BC.</li> </ul>
C. Environmental Assessment Office Case Studies	<p>Key Messages From DFO on EA required by CEAA 2012 and BC EAA</p> <ul style="list-style-type: none"> <li>• DFO no longer leads EAs, makes decisions on EAs or has organizational structure to support EAs.</li> <li>• CEAA is the lead agency and coordinates DFO participation as technical advice provider. This includes substituted/ equivalent EAs that are lead by BC.</li> <li>• In a substituted EA (once request is granted) BC can go to DFO.</li> <li>• DFO will manage internal resources and participation in alignment with project risk to fisheries and fish habitat.</li> </ul>

DFO-BC WORKSHOP Meeting Record JULY 10, 2013

	<ul style="list-style-type: none"> <li>• Unlike regulatory review, when in EA, DFO will give broader advice on any fish, not just CRA.</li> </ul> <p><b>Key Messages From DFO on EA required by BC EAA only</b></p> <ul style="list-style-type: none"> <li>• BC EA's are not part of DFO's mandate. Only required to participate in federally mandated EAs.</li> <li>• Will still participate in a limited way to fulfill requirements for aboriginal consultation on impacts to aboriginal fisheries.</li> <li>• The use of VC's is a management screening tool and is up to the regulator. DFO is not participating in their selection and doesn't have any standards or guidelines to offer.</li> <li>• DFO's new role for BC EA's is effective immediately and for all future projects.</li> </ul>
Provincial Questions & Concerns on EAO Case Studies	<ul style="list-style-type: none"> <li>• Time lag between when EA begins and substitution is granted may be a gap in DFO participation.</li> <li>• There is some uncertainty around current definition of the federal EA project list, as some projects (internal prov. pipelines) are currently required, but have been scheduled to be removed. This timing is a flag.</li> <li>• VC's are the mechanism by which BC EAO determine the information requirements. In areas where province does not have mandate (fisheries, oceans) understanding environmental impacts requires additional expertise and capacity to evaluate whether VC's are appropriate. Also concerned whether VC information will fulfill DFO's information requirements for permitting in this area. A proactive engagement between agencies is required to coordinate for project permitting.</li> </ul>
Next Steps	<ul style="list-style-type: none"> <li>• Need to coordinate DFO EAO office discussions on BC EA process going forward.</li> </ul>
BC contacts: John Antill Natasha Horseman	<ul style="list-style-type: none"> <li>• Need to coordinate a DFO, CEAA, and EAO discussion on workflow process going forward.</li> <li>• Follow up on DFO's intentions for aboriginal consultation.</li> </ul>
D. Ministry of Energy and Mines Case Study	<p><b>Key Messages From DFO on Schedule 2 approvals process for mines</b></p> <ul style="list-style-type: none"> <li>• Environment Canada is responsible for that section of the <i>Fisheries Act</i>, DFO only determine if "fish frequent the water."</li> <li>• No change to the way this process works.</li> <li>• Best practises today are best practises going forward.</li> <li>• Only aspect of Effluent that DFO looks at is sediment entrainment.</li> <li>• Process for mines would be the same as for any proponent.</li> </ul>
Provincial Questions &	<ul style="list-style-type: none"> <li>• How to deal with compliance and permitting coordination</li> <li>• Information requirements may be a deterrent for some proponents</li> </ul>

DFO-BC WORKSHOP Meeting Record JULY 10, 2013

Concerns on MEM Case Study	<ul style="list-style-type: none"> <li>and increase incidents of non-compliance</li> <li>Has DFO engaged Qualified Professionals on these changes? There is bound to be a significant increase in demand for their services.</li> </ul>
Next Steps	<ul style="list-style-type: none"> <li>A. No, not yet</li> <li>DFO-BC to consider how permitting between BC and DFO can be more efficient. (ALL)</li> </ul>
BC contacts:	<ul style="list-style-type: none"> <li>MEM to follow up with OGC on becoming more engaged in these discussions. Look for someone in the Ft. St. John office to participate.</li> </ul>
Mines – Barbara Thomson/ Ann Moody	<ul style="list-style-type: none"> <li>DFO-BC to review opportunities to coordinate on cross cutting compliance issues given regional presence has diminished. (ALL)</li> <li>DFO-BC to review conservation officer service agreement. BC to check with CO office. (MoE)</li> </ul>
OGC – Lisa Helmer	<ul style="list-style-type: none"> <li>DFO to advise generally on how govt referrals/work discussions would be managed and would identify who MEM (and other agencies) should contact.</li> <li>MEM to review DFO forms and information requirements for authorizations on DFO website</li> </ul>
E. Ministry of Agriculture Case Study	<p>Key Messages From DFO referral / approval scenario for small works project on agricultural land that goes through Section 9 of the Water Act with consideration of Species at Risk (SAR).</p> <ul style="list-style-type: none"> <li>Agricultural community has been consulted on the changes, but there are many for a for engagement. SAR case law has yet to clarify some aspects of SAR management and designations</li> <li>DFO Triage office is looking at SAR and still considering Critical Habitat designation under referrals. They are not responsible for actively managing SAR.</li> <li>Current best practises are still best practises</li> </ul>
Provincial Questions & Concerns on MoA Case Study	<ul style="list-style-type: none"> <li>DFO committee participation has been weak. This could be improved. Look at partnership committee.</li> <li>Does the drainage management guide need to be updated?</li> <li>Does following these guidelines still give farmers an exemption from an authorization?</li> </ul>
Next Steps	<ul style="list-style-type: none"> <li>A. Older guidance will keep you in good standing.</li> <li>BC to look at prioritizing agreements, tools and documents for engaging with DFO on moving forward. (ALL)</li> </ul>
BC contacts: Fisheries Barron Carswell	<ul style="list-style-type: none"> <li>DFO to identify a contact for the Agricultural committees.</li> <li>MoA to review committee structure to make it easier for DFO to participate. Will be contacting DFO in the fall.</li> <li>Drainage Management guide needs to be reviewed given DFO's new direction.</li> </ul>
Agricultural Lands Ted Van der Gulik	<ul style="list-style-type: none"> <li>Referral notices need to be updated for farmers and local</li> </ul>

**DFO-BC WORKSHOP Meeting Record JULY 10, 2013**

government.

- DFO wants to know if there are any regulatory gaps for Agriculture.

Tuesday, January 7, 2014  
1:25 PM

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**Feyrer, Laura ENV:EX**

---

**From:** Engelsjord, Michael [Michael.Engelsjord@dfo-mpo.gc.ca]  
**Sent:** Thursday, July 18, 2013 9:16 AM  
**To:** Horsman, Natasha EAO:EX  
**Cc:** Feyrer, Laura ENV:EX; Paquin, Lisa C ENV:EX; Antill, John EAO:EX; Fanos, Brad  
**Subject:** RE: DFO-EAO Follow-Up Call

Any of those days except morning of July 25 would work for me. I don't think we need to include our Partnerships, Standards & Guidelines people for this meeting. I will provide them an update on relevant information after the call.

Mike

**From:** Horsman, Natasha EAO:EX [mailto:Natasha.Horsman@gov.bc.ca]  
**Sent:** July 18, 2013 8:49 AM  
**To:** Engelsjord, Michael  
**Cc:** Feyrer, Laura ENV:EX; Paquin, Lisa C ENV:EX; Antill, John EAO:EX; Fanos, Brad  
**Subject:** RE: DFO-EAO Follow-Up Call

Hi Mike,

Thanks for your quick reply.

Let's postpone the call to next week. I've contacted CEAA to ask if they would also like to participate on the call as well.

In addition to the case study questions, we'd also like to discuss a bit more about how DFO will or will not participate in different types of EAs (coordinated, substituted, BC-only), compliance and enforcement, thoughts on DFO's risk assessment to determine participation in various EAs, and partnership opportunities.

Should we include Al Magnan or Bruce Runciman on the invite, in relation to a possible partnership discussion?

Can you let me know what day works best for you next week? I'm thinking Wed, Thurs, or Fri, July 24, 25, or 26.  
Thanks,

Natasha

---

**From:** Engelsjord, Michael [mailto:Michael.Engelsjord@dfo-mpo.gc.ca]  
**Sent:** Monday, July 15, 2013 3:37 PM  
**To:** Horsman, Natasha EAO:EX  
**Cc:** Feyrer, Laura ENV:EX; Paquin, Lisa C ENV:EX; Antill, John EAO:EX; Fanos, Brad  
**Subject:** RE: DFO-EAO Follow-Up Call

Hi Natasha,

I could talk to you any time after 10 am on Thursday but Brad is too busy this week s.22  
s.22 If you want both of us we would need to schedule in August. I should be able to provide responses to the case studies / questions EAO provided for the meeting last week.

Mike

Michael Engelsjord  
Team Leader  
Fisheries Protection Program  
Ecosystem Management Branch



Fisheries and Oceans Canada, Pacific Region  
Telephone: 604-666-2365  
Email: [Michael.Engelsjord@dfo-mpo.gc.ca](mailto:Michael.Engelsjord@dfo-mpo.gc.ca)

**From:** Horsman, Natasha EAO:EX [<mailto:Natasha.Horsman@gov.bc.ca>]  
**Sent:** July 15, 2013 11:05 AM  
**To:** Engelsjord, Michael; Fanos, Brad  
**Cc:** Feyrer, Laura ENV:EX; Paquin, Lisa C ENV:EX; Antill, John EAO:EX  
**Subject:** DFO-EAO Follow-Up Call

Hi Michael and Brad,

Thanks for a great presentation and discussion last week.

s.22

I'd like to arrange a time this week (if possible) for a short teleconference to discuss a couple of items related to environmental assessment that we weren't able to cover last week.

Do you have availability this Thursday, July 18 for a ½ hour call? If so, could you both propose a couple of times you are free? I will then schedule a call with the appropriate folks on our end. Thanks again,

Natasha

Natasha Horsman | Policy and Legislative Advisor  
BC Environmental Assessment Office  
Phone: (250) 356-5305 | Email: [Natasha.Horsman@gov.bc.ca](mailto:Natasha.Horsman@gov.bc.ca)

**From:** Engelsjord, Michael [<mailto:Michael.Engelsjord@dfo-mpo.gc.ca>]  
**Sent:** Wednesday, July 10, 2013 5:20 PM  
**To:** Horsman, Natasha EAO:EX  
**Cc:** Fanos, Brad; Runciman, Bruce; Hwang, Jason; Feyrer, Laura ENV:EX; Paquin, Lisa C ENV:EX  
**Subject:** RE: DFO Contact Information for EAO Follow-up Meeting.

Nice to meet you today Natasha.

If you have one off questions please feel free to contact me. If you would like to meet with Brad and I to discuss roles in more detail you can also contact me to set up a meeting time.

Regards,

Michael Engelsjord  
Team Leader  
Fisheries Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada, Pacific Region  
Telephone: 604-666-2365  
Email: [Michael.Engelsjord@dfo-mpo.gc.ca](mailto:Michael.Engelsjord@dfo-mpo.gc.ca)

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** July 10, 2013 4:33 PM  
**To:** Horsman, Natasha EAO:EX  
**Cc:** Fanos, Brad; Engelsjord, Michael; Runciman, Bruce; Hwang, Jason; Feyrer, Laura ENV:EX  
**Subject:** RE: DFO Contact Information for EAO Follow-up Meeting.

Hi Natasha, as a follow-up to our discussion today I know you are anxious to set up the meeting with DFO, CEA and EAQ. I have attached the contact information for the DFO folks -- my notes reflect the follow-up is with Brad Fanos and Mike Engelsjord. Cheers, Lisa

Brad Fanos, Regional Manager,  
DFO Fisheries Protection Program (Vancouver)  
Email: [Brad.Fanos@dfo-mpo.gc.ca](mailto:Brad.Fanos@dfo-mpo.gc.ca)

Mike Engelsjord, Manager,  
Project Review Triage Unit (Vancouver)  
Email: [Michael.Engelsjord@dfo-mpo.gc.ca](mailto:Michael.Engelsjord@dfo-mpo.gc.ca)

Bruce Runciman, Coordinator,  
Client Liaison and Partnerships (Kamloops)  
Email: [Bruce.Runciman@dfo-mpo.gc.ca](mailto:Bruce.Runciman@dfo-mpo.gc.ca)

Jason Hwang,  
DFO Fisheries Protection Program (Kamloops)  
Email: [Jason.Hwang@dfo-mpo.gc.ca](mailto:Jason.Hwang@dfo-mpo.gc.ca)

**Feyrer, Laura ENV:EX**

---

**From:** Engelsjord, Michael [Michael.Engelsjord@dfo-mpo.gc.ca]  
**Sent:** Monday, July 15, 2013 3:37 PM  
**To:** Horsman, Natasha EAO:EX  
**Cc:** Feyrer, Laura ENV:EX; Paquin, Lisa C ENV:EX; Antill, John EAO:EX; Fanos, Brad  
**Subject:** RE: DFO-EAO Follow-Up Call

Hi Natasha,

I could talk to you any time after 10 am on Thursday but Brad is too busy this week s.22  
s.22 If you want both of us we would need to schedule in August. I should be able to provide responses to the case studies / questions EAO provided for the meeting last week.

Mike

Michael Engelsjord  
Team Leader  
Fisheries Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada, Pacific Region  
Telephone: 604-666-2365  
Email: Michael.Engelsjord@dfo-mpo.gc.ca

**From:** Horsman, Natasha EAO:EX [mailto:Natasha.Horsman@gov.bc.ca]  
**Sent:** July 15, 2013 11:05 AM  
**To:** Engelsjord, Michael; Fanos, Brad  
**Cc:** Feyrer, Laura ENV:EX; Paquin, Lisa C ENV:EX; Antill, John EAO:EX  
**Subject:** DFO-EAO Follow-Up Call

Hi Michael and Brad,

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Do you have availability this Thursday, July 18 for a ½ hour call? If so, could you both propose a couple of times you are free? I will then schedule a call with the appropriate folks on our end. Thanks again,

Natasha

Natasha Horsman | Policy and Legislative Advisor  
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Phone: (250) 356-5305 | Email: [Natasha.Horsman@gov.bc.ca](mailto:Natasha.Horsman@gov.bc.ca)

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**To:** Horsman, Natasha EAO:EX  
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Michael Engelsjord  
Team Leader  
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Brad Fanos, Regional Manager,  
DFO Fisheries Protection Program (Vancouver)  
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Mike Engelsjord, Manager,  
Project Review Triage Unit (Vancouver)  
Email: [Michael.Engelsjord@dfo-mpo.gc.ca](mailto:Michael.Engelsjord@dfo-mpo.gc.ca)

Bruce Runciman, Coordinator,  
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Jason Hwang,  
DFO Fisheries Protection Program (Kamloops)  
Email: [Jason.Hwang@dfo-mpo.gc.ca](mailto:Jason.Hwang@dfo-mpo.gc.ca)

**Feyrer, Laura ENV:EX**

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**Bruce Runciman, Coordinator,**  
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**Jason Hwang,**  
DFO Fisheries Protection Program (Kamloops)  
Email: [Jason.Hwang@dfo-mpo.gc.ca](mailto:Jason.Hwang@dfo-mpo.gc.ca)

**Feyrer, Laura ENV:EX**

---

**From:** Feyrer, Laura ENV:EX  
**Sent:** Friday, July 5, 2013 3:05 PM  
**To:** 'Hwang, Jason'; 'Fanos, Brad'  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** Updated BC-DFO Agenda July 10  
**Attachments:** BC-DFO Agenda July 10.docx

Hi Jason,

Please find our edits to the agenda as discussed. I have incorporated your language within a broader set of expectations for the workshop. Please review and make any revisions you think are necessary, and we will distribute to the group on Monday.

Thanks,

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor  
Strategic Policy | BC Ministry of Environment  
P: 250.387.9796 | F: 250.387.8894 | E: [laura.feyrer@gov.bc.ca](mailto:laura.feyrer@gov.bc.ca)



Tuesday, January 7, 2014  
1:26 PM

#### **DFO WORKSHOP AGENDA JULY 10, 2013**

##### **Workshop Objectives**

1. Review the impacts of the changes to the *Fisheries Act* for regulatory processes and operational programs.
2. Clarify current roles and responsibilities between DFO and BC and identify areas requiring further work.
3. Understand the new project review process envisioned by DFO and how it may intersect with BC's regulatory process. Begin to identify conflicts, gaps or inefficiencies.
4. Highlight action items and future Federal / Provincial discussions that are required

##### **Participants**

*DFO Managers, Policy staff and Regional Managers from across Provincial Agencies - MFLNRD, MOE, MA, OGC, MEM, EAO, CSD*

##### **Expectations**

- DFO will address the processes identified and answer provincial agency questions, however it will be with consideration for the state of their current knowledge regarding the interim nature of federal policy and regulations.
- The overview and process of working through initial case studies should identify significant areas of overlap in understanding. More time is allotted to early case studies as a result.
- Processes related to their regulatory framework and specific to the *Fisheries Act*, and the Fisheries Protection Program are the focus of this session. Where there are linkages to other federal mandates such as SARA and CEAA, DFO's role is recognized, but detailed interagency process overlap or responsibilities related to other statutes will only be addressed in a limited way.
- Where appropriate, issues or questions that are considered out of scope for this workshop, or require additional consultation to be resolved will be identified as action items for future discussion.

##### **Agenda Summary**

1. **Clarify how the DFO triage process works**  
DFO to describe the details of how the triage process will work to manage new priorities and mandate. Focus on organizational structure and systems currently in place.
2. **Case study examples**  
Processes and questions provided by BC agencies. DFO will address the "How does it work now?" for each overarching process and answer provincial agency questions. Conflicts, gaps, inefficiencies, action items and future discussions will also be identified following each agency's case study.

DFO WORKSHOP AGENDA JULY 10, 2013

Time	Item
9:30	Introductions
9:40	<b>1. Clarify DFO triage process.</b>
	DFO will explain the generalized form of the Fisheries Act regulatory (triage) process from start to end. This will include: <ul style="list-style-type: none"> <li>• What projects/activities fall within DFO's scope</li> <li>• What guidance or tools are available to assist proponents</li> <li>• The DFO triage process</li> <li>• Possible outcomes for a project that is submitted to DFO</li> <li>• Partnerships and standards</li> <li>• Roles and responsibilities</li> </ul>
10:40	Break
11:00	<b>2. Case study examples</b>
11:00 – 12:00	<b>A. Ministry of Environment Process:</b> <i>Water License applications</i> <ul style="list-style-type: none"> <li>• How does it work now?</li> </ul> <b>Agency Questions</b> <ol style="list-style-type: none"> <li>1. Will DFO default to standard practices yet to be made by the Province?</li> <li>2. For small hydro developments that are not covered by the EAO process how will DFO authorize HADDs and input into water licence decisions?</li> <li>3. What are the rules for water developers (IPPs, small and large irrigation projects, OCG) for run-of-river diversions in landscapes that show major flow limitations in the summer or winter when there is no ecological surplus water?</li> </ol> What are the conflicts, gaps or inefficiencies?  What are the opportunities and next steps?
12:00 – 12:45	Lunch
12:45 – 1:30	<b>B. Ministry of Forests, Lands and Natural Resource Operations Process:</b> <i>Referrals for Approvals under Section 9 of the Water Act</i> <ul style="list-style-type: none"> <li>• How does it work now?</li> </ul> <b>Agency Questions</b> <ol style="list-style-type: none"> <li>1. How will DFO keep commitments made under the Intergovernmental Cooperation Agreement respecting the Implementation of the Riparian Areas Regulation (signed July 2008), particularly in regard to variances in cases of undue hardship?</li> </ol> What are the conflicts, gaps or inefficiencies?

DFO WORKSHOP AGENDA JULY 10, 2013

	What are the opportunities and next steps?
1:30 – 2:15	<p>C. Environmental Assessment Office Process 1: <i>Referral for EA required by both the BC Environmental Assessment Act and Canadian Environmental Assessment Act, 2012 (CEAA 2012) An LNG pipeline project of approximately 650km in length is being reviewed by both EAO and CEAA. The project would require numerous stream crossings, touching on many different First Nations traditional territories. Several of these crossings would be through large rivers and important watercourses. In addition, the project has 2-3 possible route alignments.</i></p> <ul style="list-style-type: none"> <li>■ How does it work now?</li> </ul> <p>Agency Questions</p> <ol style="list-style-type: none"> <li>1. How would coordination of this referral work between CEAA and DFO?</li> <li>2. How will DFO address both provincial and federal EA information requirements that are identified during the Pre-application stage of the EA (including required baseline info, valued components to be assessed)?</li> <li>3. If a potential for an Authorization and/or offsetting plan is identified in the pre-application phase of an EA, when can a Proponent submit an Authorization application to DFO? How would an Authorization approval process align with the EA process in terms of timelines and determination of significant adverse effects?</li> <li>4. If DFO only participates in the later stages of the EA (i.e. Application Review), how will EAO ensure the EA baseline studies required of the proponent provide accurate information for DFO to be able to proceed with any required Authorizations or approval of offsetting plans? Does DFO have any ideas for avoiding this potential gap?</li> <li>5. Where does DFO see its role in terms of compliance, monitoring, and follow-up of projects that receive a provincial Environmental Assessment Certificate and positive federal Decision Statement? What is the opportunity for collaboration on certain aspects of compliance?</li> </ol> <p>Environmental Assessment Office Process 2: <i>Referral for EA required under only the BC Environmental Assessment Act. EAO is reviewing a proposed coal mine in southeast BC. The coal deposit includes areas beneath a large river. Major components of the Project include an open pit and underground mine, coal processing facilities, temporary and permanent waste rock dumps, a 27 km rail line, and a rail load out. A number of crossings that support commercial, recreational, and Aboriginal fisheries would also be required.</i></p>

DFO WORKSHOP AGENDA JULY 10, 2013

	<ul style="list-style-type: none"> <li>• How does it work now?</li> </ul> <p><b>Agency Questions</b></p> <ol style="list-style-type: none"> <li>1. Where CEAA is not involved in an EA, and EAO would need to seek guidance on issues related to the <i>Fisheries Act</i> (e.g., loss of fish habitat, serious harm, Authorization). How should EAO initiate the request from DFO? What happens next?</li> <li>2. This project could result in serious harm, depending on the results of the effects assessment. What is DFO's capacity to participate in working groups or provide guidance on fisheries issues to EAO and Proponents where the EA is being led by BC only?</li> <li>3. If DFO participates, when and how would this occur during a provincial led EA? EAO is concerned that the proponent conducts the right EA baseline studies to provide appropriate information for DFO to be able to proceed with any required Authorizations.</li> <li>4. EAO is considering including an Environmental Assessment Certificate Condition that requires the proponent, prior to commencement of construction, to work with DFO to determine the need for an Authorization and/or offsetting plan. How would this work if DFO has not participated in the EA process?</li> </ol> <p>What are the conflicts, gaps or inefficiencies?</p> <p>What are the opportunities and next steps?</p>
2:15- 2:45	<p><b>D. Ministry of Energy and Mines Process</b> <i>Schedule 2 approvals process for major mines</i></p> <ul style="list-style-type: none"> <li>• How does it work now?</li> </ul> <p><b>Agency Questions</b></p> <ol style="list-style-type: none"> <li>1. How will Schedule 2 approvals (currently application process under the <i>Fisheries Act</i> in relation to major Mines for such things as tailings ponds) be dealt with in the future? Will this change under the new system – and if so, how.</li> <li>2. For Effluent Discharge: Are there any changes that would impact the Provincial <i>Placer Mining Waste Control Regulation</i> (which allows for discharge of suspended solids on certain streams without a permit)?</li> <li>3. For HADD, we should see how any changes would affect processing/permitting the following;             <ol style="list-style-type: none"> <li>a. Stream Diversions for Placer Mining.</li> <li>b. Stream Crossings for Access to a Mine Site (<i>Mines Act</i> Roads).</li> <li>c. In-stream Suction Dredging and the "DFO/MOE Guidelines for the Use of Suction Dredges to Snipe for Gold".</li> </ol> </li> </ol>

DFO WORKSHOP AGENDA JULY 10, 2013

	<p>What are the conflicts, gaps or inefficiencies?</p> <p>What are the opportunities and next steps?</p>
2:45 – 3:15	<p>E. Ministry of Agriculture Process: <i>A referral / approval scenario for small works project such as drainage maintenance or culvert installation on agricultural land that goes through Section 9 of the Water Act.</i></p> <ul style="list-style-type: none"> <li>• How does it work now?</li> </ul> <p>Agency Questions</p> <ol style="list-style-type: none"> <li>1. How will referrals regarding aquatic SAR on agricultural lands be dealt with regarding questions of: designation of critical habitat; evaluation of BMPs that support critical habitat, designation of farm practices and their compatibility to recovery strategies and action plans objectives?</li> <li>2. What will be the process of enforcement of SAR recovery objectives if compliance is in question? For example, how will critical habitat provisions be implemented under species at risk recovery plans with respect to Nooksack Dace and Salish Sucker – these have substantial implications to the agriculture community.</li> <li>3. Currently there is a drainage management guide that was approved by DFO and likely has to be updated. This is of particular importance for both individual farms and local governments that wish to do drainage maintenance</li> <li>4. What will be the referral process for farmers doing works in drainage channels on their farms such as riparian protection works, installation of culvers, bridges etc. Will these continue to be carried out through a Section 9 of the <i>Water Act</i> referral process or will there be changes to this process? The Drainage Management Guide currently provides some direction but the document will require updating.</li> <li>5. How will referrals and authorisations for either riparian vegetation management or larger activities like land clearing on ALR/agricultural lands be dealt with under the new mandate?</li> </ol> <p>What are the conflicts, gaps or inefficiencies?</p> <p>What are the opportunities and next steps?</p>
3:15 – 3:30	Wrap up, review Action Items

Tuesday, January 7, 2014  
1:27 PM

## **Feyrer, Laura ENV:EX**

**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, July 5, 2013 9:47 AM  
**To:** Feyrer, Laura ENV:EX  
**Cc:** Paquin, Lisa C ENV:EX; Brad.Fanos@dfo-mpo.gc.ca  
**Subject:** RE: Agenda Draft July 10

Hi Laura, I don't think we are feeling strongly that this one needs to be last. We just thought that the MoE, FLNRO and EAO questions would illustrate the issues most broadly. I am not sure we will get to the answers Min of Ag is looking for at our meeting next week. We can discuss this further this morning - the short answers to their questions are:

- 1) We are not planning to speak in detail to SARA issues next week - our focus is the Fisheries Act. We recognize the SARA issues, but this will need to be a follow up, and likely with DFO's SARA group and may or may not include DFO's FPP.
- 2) This will be like every other potential referral to DFO. Will go through the triage process via the DFO website.
- 3) From a DFO perspective, if it needs our review, it will go through the triage process as noted above. The connection between the DFO and Sec 9 regulatory process is asked by FLNRO and probably applies to many sector interests - that is why we put that near the front of the question list.
- 4) As per response to Q2 - if it needs a DFO review/authorization, it will need to go through the triage process.

**From:** Feyrer, Laura ENV:EX [mailto:Laura.Feyrer@gov.bc.ca]  
**Sent:** July-05-13 9:16 AM  
**To:** Hwang, Jason  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** RE: Agenda Draft July 10

Hi Jason -

Ministry of Agriculture just sent a revised version of their questions that has added some broader context. I am concerned that leaving this item to last may make it challenging to get through. We can discuss on our call this morning, but please see their revisions below.

Laura

### **Ministry of Agriculture**

Many of the scenarios on agricultural lands are likely to be works of a relatively small scale compared to larger industrial projects such as pipelines, hydro-electric installations and mines. Questions arise how particular small projects will be dealt with under the new DFO structure and interpretation of the revised role of DFO in fish protection and the interpretation of serious harm. Some of the small works on agricultural lands are presented below:

1. How will referrals regarding aquatic SAR on agricultural lands be dealt with in particular regarding questions of: designation of critical habitat; evaluation of BMPS that support critical habitat, designation of farm practices and their compatibility to recovery strategies and action plans objectives and what will be the process of enforcement of SAR recovery objectives if compliance is in question? For example, how will critical habitat provisions be implemented under species at risk recovery plans with respect to Nooksack Dace and Salish Sucker - these have substantial implications to the agriculture community.
2. How will drainage maintenance approvals be obtained? Currently there is a drainage management guide that was approved by DFO and it likely has to be updated. This is of particular importance for both individual farms and local governments that wish to do drainage maintenance



3. What will be the referral process for farmers doing works in drainage channels on their farms such as riparian protection works, installation of culverts, bridges etc. Will these continue to be carried out through a Section 9 of the Water Act referral process or will there be changes to this process?
4. How will referrals and authorisations for either riparian vegetation management or larger activities like land clearing on ALR/agricultural lands be dealt with under the new mandate?

**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Friday, July 5, 2013 8:50 AM  
**To:** Feyrer, Laura ENV:EX; Fanos, Brad; Paquin, Lisa C ENV:EX  
**Cc:** Danks, Anthony ENV:EX; Gilliland, Lori K ENV:EX  
**Subject:** RE: Agenda Draft July 10

Hi Laura and Lisa. Brad, myself and a couple of others from DFO met yesterday and we have some minor edits to suggest for the agenda. We have suggested a different order for the case study questions. The reason for this is that we think the discussion will be more effective if we start with questions that provide broader perspective rather than starting with questions that may have a narrower focus. I have inserted these into the document. We are also working on a short powerpoint presentation to support the discussion, but we won't have that ready until Monday or maybe Tuesday next week.

Jason.

**From:** Feyrer, Laura ENV:EX [<mailto:Laura.Feyrer@gov.bc.ca>]  
**Sent:** July-03-13 1:04 PM  
**To:** Fanos, Brad; Hwang, Jason; Paquin, Lisa C ENV:EX  
**Cc:** Danks, Anthony ENV:EX; Gilliland, Lori K ENV:EX  
**Subject:** Agenda Draft July 10

Hi Jason and Brad,

As discussed during our call today, please find a revised agenda where we have reframed the objectives and included our suggested case studies.

Thanks for your time today and we will send out a meeting invite for a follow up planning discussion on Friday.

Cheers,

Laura

**Feyrer, Laura ENV:EX**

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**From:** Feyrer, Laura ENV:EX  
**Sent:** Friday, July 5, 2013 9:31 AM  
**To:** 'Hwang, Jason'  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** RE: Agenda Draft July 10

Either way, we can call you as we will be in Lisa's office.

Thanks

Laura

**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Friday, July 5, 2013 9:29 AM  
**To:** Feyrer, Laura ENV:EX  
**Subject:** RE: Agenda Draft July 10

Hi Laura – are you calling me this morning or am I calling you?

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**Subject:** RE: Agenda Draft July 10

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**Sent:** Friday, July 5, 2013 8:50 AM  
**To:** Feyrer, Laura ENV:EX; Fanos, Brad; Paquin, Lisa C ENV:EX  
**Cc:** Danks, Anthony ENV:EX; Gilliland, Lori K ENV:EX  
**Subject:** RE: Agenda Draft July 10

Hi Laura and Lisa. Brad, myself and a couple of others from DFO met yesterday and we have some minor edits to suggest for the agenda. We have suggested a different order for the case study questions. The reason for this is that we think the discussion will be more effective if we start with questions that provide broader perspective rather than starting with questions that may have a narrower focus. I have inserted these into the document. We are also working on a short powerpoint presentation to support the discussion, but we won't have that ready until Monday or maybe Tuesday next week.  
Jason.

**From:** Feyrer, Laura ENV:EX [<mailto:Laura.Feyrer@gov.bc.ca>]  
**Sent:** July-03-13 1:04 PM  
**To:** Fanos, Brad; Hwang, Jason; Paquin, Lisa C ENV:EX  
**Cc:** Danks, Anthony ENV:EX; Gilliland, Lori K ENV:EX  
**Subject:** Agenda Draft July 10

Hi Jason and Brad,

As discussed during our call today, please find a revised agenda where we have reframed the objectives and included our suggested case studies.

Thanks for your time today and we will send out a meeting invite for a follow up planning discussion on Friday.

Cheers,

Laura

Feyrer, Laura ENV:EX

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**From:** Feyrer, Laura ENV:EX  
**Sent:** Friday, July 5, 2013 9:16 AM  
**To:** 'Hwang, Jason'  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** RE: Agenda Draft July 10

Hi Jason –

Ministry of Agriculture just sent a revised version of their questions that has added some broader context. I am concerned that leaving this item to last may make it challenging to get through. We can discuss on our call this morning, but please see their revisions below.

Laura

**Ministry of Agriculture**

Many of the scenarios on agricultural lands are likely to be works of a relatively small scale compared to larger industrial projects such as pipelines, hydro-electric installations and mines. Questions arise how particular small projects will be dealt with under the new DFO structure and interpretation of the revised role of DFO in fish protection and the interpretation of serious harm. Some of the small works on agricultural lands are presented below:

1. How will referrals regarding aquatic SAR on agricultural lands be dealt with in particular regarding questions of: designation of critical habitat; evaluation of BMPs that support critical habitat, designation of farm practices and their compatibility to recovery strategies and action plans objectives and what will be the process of enforcement of SAR recovery objectives if compliance is in question? For example, how will critical habitat provisions be implemented under species at risk recovery plans with respect to Nooksack Dace and Salish Sucker – these have substantial implications to the agriculture community.
2. How will drainage maintenance approvals be obtained? Currently there is a drainage management guide that was approved by DFO and it likely has to be updated. This is of particular importance for both individual farms and local governments that wish to do drainage maintenance
3. What will be the referral process for farmers doing works in drainage channels on their farms such as riparian protection works, installation of culverts, bridges etc. Will these continue to be carried out through a Section 9 of the Water Act referral process or will there be changes to this process?
4. How will referrals and authorisations for either riparian vegetation management or larger activities like land clearing on ALR/agricultural lands be dealt with under the new mandate?

**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
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**To:** Feyrer, Laura ENV:EX; Fanos, Brad; Paquin, Lisa C ENV:EX  
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**Sent:** Thursday, July 4, 2013 9:33 AM  
**To:** 'Hwang, Jason'  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** RE: July 10

*A live meeting option will be provided. Please click link below:*

No problem we have set up a live meeting. Please use the information below.

**Join the meeting.**

**Audio Information**

*Telephone conferencing - Use the information below to connect:*

Dial-In Phone Number: 1-877-353-9184

Participant Conference ID: s.17

**First Time Users:**

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2. Copy and paste the required information:

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Thanks!

Laura

**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Thursday, July 4, 2013 8:39 AM  
**To:** Feyrer, Laura ENV:EX  
**Subject:** July 10

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**Feyrer, Laura ENV:EX**

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## Feyrer, Laura ENV:EX

**Subject:** Canceled: Federal Fisheries Act Regulatory Change working group Update Meeting  
**Location:** Victoria 2975 Jutland Rm 1-1

**Start:** Wed 2013-07-10 9:30 AM  
**End:** Wed 2013-07-10 3:00 PM  
**Show Time As:** Free

**Recurrence:** (none)  
**Recurrence Pattern:** every 2 weeks on Wednesday from 1:30 PM to 3:00 PM

**Meeting Status:** Not yet responded

**Organizer:** Feyrer, Laura ENV:EX  
**Required Attendees:** Paquin, Lisa C ENV:EX; Carswell, Barron AGRI:EX; Neilson, Larry AGRI:EX; Furness, Grant A FLNR:EX; Wilson, Andrew S FLNR:EX; Witt, Andy FLNR:EX; Marshall, Vicki FLNR:EX; Down, Ted ENV:EX; White, Ted T ENV:EX; Herborg, Matthias ENV:EX; Vukelich, Vera FLNR:EX; Collison, Sarah FLNR:EX; Horsman, Natasha EAO:EX; Messenger, Meggin A CSCD:EX; 'Hwang, Jason'  
**Optional Attendees:** Carr, Michelle EAO:EX; van der Gulik, Ted AGRI:EX; Trotter, David B AGRI:EX; McReynolds, Tom W FLNR:EX; Miller, Ian C FLNR:EX; Thomson, Barbara L. EMNG:EX; Koncohrada, Karen EMNG:EX; Johnstone, Heather EMNG:EX; Smith, Chris EMNG:EX; Craven, Paul IGRS:EX; Walman, Bart IGRS:EX; Beak, Lynn ABR:EX; Simonson, Terry ABR:EX; Dale, Alec R ENV:EX; Wilson, Greg ENV:EX; Ptolemy, Ron ENV:EX; Sabourin, Justin ENV:EX; Kriwoken, Lynn ENV:EX; Luke, Alison ENV:EX; Cieslak, Valerie ABR:EX; Danks, Anthony ENV:EX; Antill, John EAO:EX; Wilkerson, Stacey L FLNR:EX; Murphy, Brian EAO:EX; Howe, Diane J EMNG:EX; Wagar, Kathie L EMNG:EX; Cullen, Heather J EMNG:EX; Seguin, Joe EMNG:EX; Bellefontaine, Kim EMNG:EX; Hendrickson, Glen EMNG:EX; Hupman, C Bruce EMNG:EX; Taje, Eddy EMNG:EX; Madill, Howard D OGC:IN; Moody, Anne EMNG:EX; Worsley, Kristin E EAO:EX; Hubert, Edwin EAO:EX; Misener, Rebecca EMNG:EX; Pardoe, Jill A EMNG:EX

**Importance:** High

**When:** Wednesday, July 10, 2013 9:30 AM-3:00 PM (GMT-08:00) Pacific Time (US & Canada).  
**Where:** Victoria 2975 Jutland Rm 1-1

**Note:** The GMT offset above does not reflect daylight saving time adjustments.

\*\*\*\*\*

A full day workshop on how changes to the Federal Fisheries Act and DFO Pacific will be applied.

Please indicate if you will be attending by phone or in person.

**Draft Agenda - timing to be confirmed.**

### Tentative Workshop Objectives

1. Answer questions about the Fisheries Act impacts to regulatory and operational programs.
2. Clarify roles and responsibilities between DFO and BC and discuss points requiring further work.
3. Understand the new project review process envisioned by DFO and how it may intersect with BC's regulatory process. Begin to identify conflicts, gaps or inefficiencies.
4. Highlight key agreements, protocols and guidance documents that require urgent review or updating prior to the Fisheries Act changes coming into force.

### Participants

*DFO Managers, Policy staff and Regional Managers from across Provincial Agencies - MFLNRO, MOE, MA, OGC, MEM, EAO, CSCD*

**Agenda – timing and details to be confirmed**

1. **Clarify DFO triage process works** - Given some uncertainty of the final version of all new policy tools, DFO to describe details of how they see the triage process working to manage new priorities and mandate. State assumptions and focus on organizational structure and systems in place. PPT to be provided in advance.
2. **Case study examples** – provided by BC agencies and themes coordinated and refined by DFO with consideration for state of current knowledge to walk through specific examples.

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Thankst

Laura

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## **Feyrer, Laura ENV:EX**

---

**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, June 27, 2013 11:30 AM  
**To:** Feyrer, Laura ENV:EX  
**Cc:** Brad.Fanos@dfo-mpo.gc.ca  
**Subject:** FW: agenda outline for BC meeting

Hi Laura, here is a proposed agenda outline as per our discussion. Let us know what you think. Jason

**From:** Hwang, Jason  
**Sent:** June-25-13 4:29 PM  
**To:** Fanos, Brad  
**Cc:** Hwang, Jason  
**Subject:** agenda outline for BC meeting

Brad, as discussed – a rough outline for a July 10 meeting with BC. Feel free to edit.

### **Objectives**

1. DFO explain to BC how we see the Fisheries Act regulatory process working
2. BC to share/discuss with DFO how the Fisheries Act Regulatory process intersects with BC regulatory process and management agenda

### **Target attendees**

DFO - FPP Managers and 1 or 2 key staff  
BC: - reps who can speak to how the Fisheries Act regulatory process intersects with BC regulatory process (from FCBC, MoE, FLNRO, EAO, OGC?);  
- Reps who can speak to BC's priorities related to fish and fish habitat

### **Discussions Points**

1. DFO will explain our Fisheries Act regulatory process from start to end. This will include:
  - a. What projects/activities fall within DFO's scope
  - b. What guidance or tools are available to assist proponents
  - c. The DFO website
  - d. The DFO Project Review Application Form (PRAF)
  - e. The DFO triage process
  - f. Possible outcomes for a project that is submitted to DFO
2. Present case studies to explore how the Fisheries Act regulatory process intersects/interacts with provincial process with the objective of determining:
  - a. where there appears to be compatibility,
  - b. Where there appear to be gaps or conflicts
  - c. Priorities for further discussion

The idea will be to present 1 or 2 general project case studies, one EA case study, and one occurrence case study

### **Key things to think about:**

- Are there questions about the Fisheries Act that need to be answered to inform regulatory and operational programs?
- Are roles and responsibilities between DFO and BC clear? If not, what are the points requiring further work?
- Is the project review process envisioned by DFO compatible with BC's regulatory process? Are there conflicts, gaps or inefficiencies?
- Are there agreements or protocols that require urgent review or updating prior to the Fisheries Act changes coming into force?

- Are there guidance documents that require urgent review or updating prior to the Fisheries Act changes coming into force?
- Are there gaps created by the changes to the Fisheries Act that require attention?
- Are there gaps created by DFO's program reorganization that require attention?

**Feyrer, Laura ENV:EX**

---

**From:** Feyrer, Laura ENV:EX  
**Sent:** Thursday, June 27, 2013 8:42 AM  
**To:** 'Hwang, Jason'  
**Subject:** RE: DFO workshop for BC July 10

Hi Jason,

I have time today between 11:00 – 12:00 or after 1pm. Let me know what might work for you.

Thanks,

Laura

**From:** Hwang, Jason [<mailto:jason.hwang@dfo-mpo.gc.ca>]  
**Sent:** Wednesday, June 26, 2013 1:48 PM  
**To:** Feyrer, Laura ENV:EX; Fanos, Brad  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** RE: DFO workshop for BC July 10

Hi Laura and Lisa. Brad and I have been coordinating on this and I recognize that you have proposed we have a call next week in advance of the July 10 session. I was hoping we could touch base briefly either this afternoon or tomorrow just to orient and scope for the meeting and make sure we are on the same page in terms of content and to have the right people lined up. Do either or both of you have a few minutes today or tomorrow? I am free this afternoon except between 3:30 and 4:00, and tomorrow except between 12 and 1. Jason.

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Hi Brad –

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Hi  
how about Thur at 1:30. I will set up a con call for Jason, you and I if this works. We can always try early next week if it works better on your end.  
Draft agenda to follow but will focus on July 10 agenda- attendance and key topics

Thanks



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Hi Brad,

Lisa is unavailable Thursday/Friday to touch base on the workshop, but I have some flexibility to discuss later this week or we can wait till next week, anytime Weds - Fri when we are all in the office. Let me know what is best from your perspective.

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**To:** 'Hwang, Jason'  
**Cc:** Paquin, Lisa C ENV:EX  
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**Subject:** FW: DFO workshop for BC July 10

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Lisa is unavailable Thursday/Friday to touch base on the workshop, but I have some flexibility to discuss later this week or we can wait till next week, anytime Weds-Fri when we are all in the office. Let me know what is best from your perspective.

Cheers,

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor  
Strategic Policy | BC Ministry of Environment  
P: 250.387.9796 | F: 250.387.8894 | E: [laura.feyrer@gov.bc.ca](mailto:laura.feyrer@gov.bc.ca)

**From:** Feyrer, Laura ENV:EX  
**Sent:** Monday, June 24, 2013 3:11 PM  
**To:** 'Hwang, Jason'  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** DFO workshop for BC July 10

Hi Jason,

Just wanted to check in with you and confirm that DFO is good to go for our workshop on July 10.

As discussed at our last meeting we are hoping to have an advance of the slides DFO is intending to present on how DFO triage process works and the interface with various systems to clarify assumptions. If you have something draft before our regular meeting tomorrow that would be helpful, but if not I can distribute it to participants before the workshop.

I was also curious how the meeting with Ecosystem section heads at their June 12<sup>th</sup> meeting went from your perspective. Were you able to generate some examples from your discussions on the FA?

Thanks,

Laura

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**Feyrer, Laura ENV:EX**

---

**From:** Feyrer, Laura ENV:EX  
**Sent:** Tuesday, June 25, 2013 10:53 AM  
**To:** 'Hwang, Jason'  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** RE: DFO workshop for BC July 10

Hi Jason,

Thanks for the update. Yes July 10 is confirmed on our end. I look forward to receiving the notes from the ecosystem section heads meeting and the DFO draft presentation. I am waiting to hear from Brad re: a date to discuss workshop planning, either this week or next and sounds like it would be helpful for you to join that conversation.

Call me if you would like to discuss.

Cheers,

Laura

**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Tuesday, June 25, 2013 9:39 AM  
**To:** Feyrer, Laura ENV:EX  
**Subject:** RE: DFO workshop for BC July 10

Hi Laura. We won't have anything for you for your regular meeting today, but Brad and I will be looking at this during the week and we will try to get you something in advance of July 10. Can you confirm that July 10 is confirmed on your end? I think we have been holding the date but were not sure yet if the date was confirmed or not.

The Ecosystems Section Head meeting was good. The people there wanted to get the detailed walk through of the explanation of the Fisheries Act changes and the Discussion Paper. It seemed like they had been provided the information through Andy Witt but most of them did not really understand it and they wanted the detailed walk through from DFO. This did not result in many detailed examples as we spent most of the available time just going through the FA changes and how it is expected to work. My colleague Bruce Runciman attended with me and he is preparing a short note listing the questions and issues that were raised. I can forward that along to you once he gets it done. Jason.

**From:** Feyrer, Laura ENV:EX [<mailto:Laura.Feyrer@gov.bc.ca>]  
**Sent:** June-24-13 3:11 PM  
**To:** Hwang, Jason  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** DFO workshop for BC July 10

Hi Jason,

Just wanted to check in with you and confirm that DFO is good to go for our workshop on July 10.

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I was also curious how the meeting with Ecosystem section heads at their June f2f meeting went from your perspective. Were you able to generate some examples from your discussions on the FA?

Thanks,

Laura

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**Feyrer, Laura ENV:EX**

---

**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Tuesday, June 25, 2013 9:39 AM  
**To:** Feyrer, Laura ENV:EX  
**Subject:** RE: DFO workshop for BC July 10

Hi Laura. We won't have anything for you for your regular meeting today, but Brad and I will be looking at this during the week and we will try to get you something in advance of July 10. Can you confirm that July 10 is confirmed on your end? I think we have been holding the date but were not sure yet if the date was confirmed or not.

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**From:** Feyrer, Laura ENV:EX [mailto:Laura.Feyrer@gov.bc.ca]  
**Sent:** June-24-13 3:11 PM  
**To:** Hwang, Jason  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** DFO workshop for BC July 10

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I was also curious how the meeting with Ecosystem section heads at their June 12f meeting went from your perspective. Were you able to generate some examples from your discussions on the FA?

Thanks,

Laura

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P: 250.387.9796 | F: 250.387.8894 | E: [laura.feyrer@gov.bc.ca](mailto:laura.feyrer@gov.bc.ca)

**Feyrer, Laura ENV:EX**

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**From:** Feyrer, Laura ENV:EX  
**Sent:** Tuesday, June 25, 2013 9:10 AM  
**To:** 'Fanos, Brad'  
**Cc:** Paquin, Lisa C ENV:EX; 'Hwang, Jason'  
**Subject:** FW: DFO workshop for BC July 10

Hi Brad,

Lisa is unavailable Thursday/Friday to touch base on the workshop, but I have some flexibility to discuss later this week or we can wait till next week, anytime Weds -Fri when we are all in the office. Let me know what is best from your perspective.

Cheers,

Laura

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**From:** Feyrer, Laura ENV:EX  
**Sent:** Monday, June 24, 2013 3:11 PM  
**To:** 'Hwang, Jason'  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** DFO workshop for BC July 10

Hi Jason,

Just wanted to check in with you and confirm that DFO is good to go for our workshop on July 10.

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I was also curious how the meeting with Ecosystem section heads at their June 12th meeting went from your perspective. Were you able to generate some examples from your discussions on the FA?

Thanks,

Laura

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**Feyrer, Laura ENV:EX**

---

**From:** Feyrer, Laura ENV:EX  
**Sent:** Monday, June 24, 2013 3:11 PM  
**To:** 'Hwang, Jason'  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** DFO workshop for BC July 10

Hi Jason,

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As discussed at our last meeting we are hoping to have an advance of the slides DFO is intending to present on how DFO triage process works and the interface with various systems to clarify assumptions. If you have something draft before our regular meeting tomorrow that would be helpful, but if not I can distribute it to participants before the workshop.

I was also curious how the meeting with Ecosystem section heads at their June 22 meeting went from your perspective. Were you able to generate some examples from your discussions on the FA?

Thanks,

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor  
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## **Feyrer, Laura ENV:EX**

**Subject:** Federal Fisheries Act Regulatory Change working group Update Meeting  
**Location:** CSNR R Victoria 2975 Jutland 3rd Fl RM 3-6 (seats 10)

**Start:** Wed 2013-06-12 1:30 PM  
**End:** Wed 2013-06-12 3:00 PM  
**Show Time As:** Tentative

**Recurrence:** Weekly  
**Recurrence Pattern:** every 2 weeks on Wednesday from 1:30 PM to 3:00 PM

**Meeting Status:** Not yet responded

**Organizer:** Feyrer, Laura ENV:EX  
**Required Attendees:** Paquin, Lisa C ENV:EX; Carswell, Barron AGRI:EX; Neilson, Larry AGRI:EX; Wilson, Andrew S FLNR:EX; Wilt, Andy FLNR:EX; Marshall, Vicki FLNR:EX; Down, Ted ENV:EX; White, Ted T ENV:EX; Herborg, Matthias ENV:EX; Vukelich, Vera FLNR:EX; Collison, Sarah FLNR:EX; 'Hwang, Jason'; Fanos, Brad; Antcliffe, Bonnie  
**Optional Attendees:** Scraba, Erin H EAO:EX; Carr, Michelle EAO:EX; van der Gulik, Ted AGRI:EX; Trotter, David B AGRI:EX; McReynolds, Tom W FLNR:EX; Miller, Ian C FLNR:EX; Thomson, Barbara L EMNG:EX; Koncohrada, Karen EMNG:EX; Anslow, Martha EMNG:EX; Johnstone, Heather EMNG:EX; Smith, Chris EMNG:EX; Craven, Paul IGRS:EX; Walman, Bart IGRS:EX; Beak, Lynn ABR:EX; Simonson, Terry ABR:EX; Dale, Alec R ENV:EX; Wilson, Greg ENV:EX; Ptolemy, Ron ENV:EX; Sabourin, Justin ENV:EX; Kriwoken, Lynn ENV:EX; Luke, Alison ENV:EX; Cieslak, Valerie ABR:EX; Danks, Anthony ENV:EX; Antill, John EAO:EX; Wilkerson, Stacey L FLNR:EX; Murphy, Brian EAO:EX; Horsman, Natasha EAO:EX

For those who are interested in updates to the Federal Fisheries Act - Please save the date.

This meeting will be with DFO managers representing the regulatory and partnership units.

### **Draft Agenda for June 12<sup>th</sup> BC NRS meeting with DFO**

*Intent of this meeting is to initiate discussions with DFO on next steps for managing through transition and beyond.*

*Desired outcomes are to 1) build a common understanding of current situation and 2) build an agenda for a longer ½ day meeting to focus on process for moving forward*

For discussion:

- Review of DFO's new organizational structure and centralized focus
- Review of BC's current roles and responsibilities that will be affected by the changes within DFO and to the Fisheries Act (operational roles, policy guidance, committees and agreements)
- Moving forward - Build agenda for future meeting(s) around key themes of concern, questions and needs for DFO-BC coordination process through transition

For those who are phoning in:

Dial-in Phone Number 1-877-353-9184  
 Participant Conference ID s.17

Thanks!

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor  
 Strategic Policy | BC Ministry of Environment

P: 250.387.9796 | F: 250.387.8894 | E: [laura.fevrer@gov.bc.ca](mailto:laura.fevrer@gov.bc.ca)

Tuesday, January 7, 2014  
1:30 PM

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**Feyrer, Laura ENV:EX**

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**From:** Feyrer, Laura ENV:EX  
**Sent:** Tuesday, May 28, 2013 4:06 PM  
**To:** 'Hwang, Jason'  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** RE: Federal Fisheries Act Regulatory Change working group Update Meeting

Sorry for the mixed messages Jason!

I have you on the distribution list as it is a reoccurring meeting that we had hoped to include you on as appropriate in the future.

As you and Lisa discussed, tomorrow's meeting is just a provincial check in given that there isn't any new information forthcoming from DFO, you wouldn't need to participate.

Thanks for double checking!

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor  
Strategic Policy | BC Ministry of Environment  
P: 250.387.9796 | F: 250.387.8894 | E: [laura.feyrer@gov.bc.ca](mailto:laura.feyrer@gov.bc.ca)

**From:** Hwang, Jason (<mailto:jason.hwang@dfo-mpo.gc.ca>)  
**Sent:** Tuesday, May 28, 2013 4:03 PM  
**To:** Feyrer, Laura ENV:EX  
**Subject:** RE: Federal Fisheries Act Regulatory Change working group Update Meeting

Hi Laura – I am not sure if you noticed that I am on the distribution list being used for these meetings? I understand from Lisa that the call tomorrow is meant to be just for provincial staff so I won't plan on joining. If there is a need for me to be available I can be, but I am assuming based on the message from Lisa I don't need to be. Jason

-----Original Appointment-----

**From:** Feyrer, Laura ENV:EX (<mailto:Laura.Feyrer@gov.bc.ca>)  
**Sent:** 2013-May-28 3:55 PM  
**To:** Paquin, Lisa C ENV:EX; Carswell, Barron AGRI:EX; Neilson, Larry AGRI:EX; Wilson, Andrew S FLNR:EX; Witt, Andy FLNR:EX; Marshall, Vicki FLNR:EX; Down, Ted ENV:EX; White, Ted T ENV:EX; Herborg, Matthias ENV:EX; Vukelich, Vera FLNR:EX; Collison, Sarah FLNR:EX; Hwang, Jason  
**Cc:** Scraba, Erin H EAO:EX; Carr, Michelle EAO:EX; van der Gulik, Ted AGRI:EX; Trotter, David B AGRI:EX; McReynolds, Tom W FLNR:EX; Miller, Ian C FLNR:EX; Thomson, Barbara L EMNG:EX; Koncohrada, Karen EMNG:EX; Anslow, Martha EMNG:EX; Johnstone, Heather EMNG:EX; Smith, Chris EMNG:EX; Craven, Paul IGRS:EX; Walman, Bart IGRS:EX; Beak, Lynn ABR:EX; Simonson, Terry ABR:EX; Dale, Alec R ENV:EX; Wilson, Greg ENV:EX; Ptolemy, Ron ENV:EX; Sabourin, Justin ENV:EX; Kriwoken, Lynn ENV:EX; Luke, Alison ENV:EX; Cieslak, Valerie ABR:EX; Danks, Anthony ENV:EX; Antill, John EAO:EX; Wilkerson, Stacey L FLNR:EX; Murphy, Brian EAO:EX; Horsman, Natasha EAO:EX  
**Subject:** Federal Fisheries Act Regulatory Change working group Update Meeting  
**When:** 2013-May-29 1:30 PM-3:00 PM (UTC-08:00) Pacific Time (US & Canada).  
**Where:** CSNR R Victoria 2975 Jutland 3rd Fl RM 3-6 (seats 10)

When: Wednesday, May 29, 2013 1:30 PM-3:00 PM (GMT-08:00) Pacific Time (US & Canada).

Where: CSNR R Victoria 2975 Jutland 3rd Fl RM 3-6 (seats 10)

Note: The GMT offset above does not reflect daylight saving time adjustments.

\*\*\*\*\*

For those who are interested in updates to the Federal Fisheries Act - Please save the date.

Proposed agenda for May 29, 2013:

1. Updates on ongoing discussions with DFO and upcoming Deputy's meeting in June (draft agenda attached)
2. Scoping for a legislative / regulatory review by BC on impacts from FA
3. Understanding the new YPR DFO regional program delivery model - how do we brief the NRS
4. Share a copy of the letter and accompanying policy discussion paper review
5. Other items?

For those who are phoning in:

Dial-in Phone Number: 1-877-353-9184

Participant Conference ID: s.17

Thanks!

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor

Strategic Policy | BC Ministry of Environment

P: 250.387.9796 | F: 250.387.8894 | E: [laura.feyrer@gov.bc.ca](mailto:laura.feyrer@gov.bc.ca)

## Paquin, Lisa C ENV:EX

---

**From:** Antcliffe, Bonnie [Bonnie.Antcliffe@dfo-mpo.gc.ca]  
**Sent:** Thursday, July 11, 2013 4:28 PM  
**To:** Paquin, Lisa C ENV:EX; Danks, Anthony ENV:EX  
**Subject:** RE: More input from BC on the Federal Fisheries Act Discussion Paper

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sounds good.

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** July-11-13 4:08 PM  
**To:** Antcliffe, Bonnie; Danks, Anthony ENV:EX  
**Subject:** RE: More input from BC on the Federal Fisheries Act Discussion Paper

Hi Bonnie,

Thank you for the email and feedback. In speaking with the folks from the province, I also received very positive comments on the session yesterday. From my perspective, it was great to have Jason, Brad, Mike and Bruce given their different roles and experience, it really added to perspectives they were able to share with us.

It would be great to follow-up with you in the next week or so.

Cheers, Lisa

**Lisa Paquin,**  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

---

**From:** Antcliffe, Bonnie [<mailto:Bonnie.Antcliffe@dfo-mpo.gc.ca>]  
**Sent:** Thursday, July 11, 2013 3:38 PM  
**To:** Paquin, Lisa C ENV:EX; Danks, Anthony ENV:EX  
**Subject:** RE: More input from BC on the Federal Fisheries Act Discussion Paper

Thanks Lisa,

Brad noted that he felt it was a good meeting yesterday. I will follow up in a week or so directly just to check in.

Bonnie

Bonnie Antcliffe  
Regional Director



Ecosystem Management Branch  
Suite 200 – 401 Burrard Street  
Vancouver, BC V6C 3S4  
Phone: (604) 666-6532  
Cell: s.17  
Email: [bonnie.antcliffe@dfo-mpo.gc.ca](mailto:bonnie.antcliffe@dfo-mpo.gc.ca)

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** June-20-13 11:42 AM  
**To:** Winfield, Nicholas; Hwang, Jason; Fanos, Brad; Antcliffe, Bonnie  
**Cc:** Feyrer, Laura ENV:EX; Danks, Anthony ENV:EX  
**Subject:** More input from BC on the Federal Fisheries Act Discussion Paper

Hello everyone,

We have received further comments on the Federal Fisheries Act Discussion Paper from the BC Ministry of Community, Sport and Cultural Development which includes feedback on policy and leg changes to the federal Fisheries Act and organizational changes to DFO. The additions have been highlighted in red. I have also added a date at the bottom of the document to assist with version control.

Please let me know if you have any questions.

Cheers,  
**Lisa Paquin,**  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

## Paquin, Lisa C ENV:EX

---

**From:** Antcliffe, Bonnie [Bonnie.Antcliffe@dfo-mpo.gc.ca]  
**Sent:** Monday, June 3, 2013 5:05 PM  
**To:** Paquin, Lisa C ENV:EX; Fanos, Brad  
**Cc:** Hwang, Jason; Feyrer, Laura ENV:EX; Danks, Anthony ENV:EX  
**Subject:** Re: Follow-up: Discussion on DFO Organizational Changes

Hello Lisa, I'm whitehorse bound in a few minutes and my cell blackberry will not work there. Brad - can you follow up directly. Are you thinking of having us on the phone or in person? I think we can make it work but will ask Brad to touch base on logistics. I may need to be the phone but will try in person if I can. Others may be able to attend in person

Bonnie Antcliffe  
Regional Director, EMB  
Pacific Region

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** Monday, June 03, 2013 07:44 PM Eastern Standard Time  
**To:** Fanos, Brad; Antcliffe, Bonnie  
**Cc:** Hwang, Jason; Feyrer, Laura ENV:EX <[Laura.Feyrer@gov.bc.ca](mailto:Laura.Feyrer@gov.bc.ca)>; Danks, Anthony ENV:EX <[Anthony.Danks@gov.bc.ca](mailto:Anthony.Danks@gov.bc.ca)>  
**Subject:** Follow-up: Discussion on DFO Organizational Changes

Hi Bonnie and Brad,

I wanted to follow-up on the offer Bonnie made at the May 13<sup>th</sup> meeting to come and speak to folks about the Fisheries Protection Program Roll-Out and Program Delivery. We have a group of folks across the natural resource sector who meet on a bi-weekly basis to go over federal Fisheries Act items and I was hoping you would be able to speak to this group. The meetings are 1.5 hours in length and the next one is scheduled for Wednesday, June 12<sup>th</sup> from 1:30 to 3pm.

I believe many of the participants have received a high level update on the new DFO structure but a quick update would be helpful. I know there is a desire to better understand how the program will be delivered, looking at the role of the federal government and the province and how we will work together going forward.

Please give me a call and we can discuss the timing and agenda.

Cheers,  
**Lisa Paquin,**  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

## Paquin, Lisa C ENV:EX

---

**From:** Antcliffe, Bonnie [Bonnie.Antcliffe@dfo-mpo.gc.ca]  
**Sent:** Thursday, May 16, 2013 4:57 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Ethier, Tom FLNR:EX; Danks, Anthony ENV:EX; Feyrer, Laura ENV:EX; Fanos, Brad; Hwang, Jason  
**Subject:** RE: Tom Ethier's contact information  
**Attachments:** Pacific Region org chart FINAL March 28.ppt

Thanks Lisa,

The Fisheries Protection Program organization chart for Pacific Region is attached. Key contacts for the leadership positions are on our updated web site. Will wait to hear back from you regarding best way for provincial engagement. Working something into the Ecosystem Managers Meeting would be a good opportunity.

Bonnie

Bonnie Antcliffe  
Regional Director  
Ecosystem Management Branch  
Suite 200 – 401 Burrard Street  
Vancouver, BC V6C 3S4  
Phone: (604) 666-6532  
Cell: s.16  
Email: [bonnie.antcliffe@dfo-mpo.gc.ca](mailto:bonnie.antcliffe@dfo-mpo.gc.ca)

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** May-14-13 2:37 PM  
**To:** Antcliffe, Bonnie  
**Cc:** Ethier, Tom FLNR:EX; Danks, Anthony ENV:EX; Feyrer, Laura ENV:EX; Fanos, Brad; Hwang, Jason  
**Subject:** Tom Ethier's contact information

Hi Bonnie,

It was great to have you and Sue come over and meet with us yesterday. I wanted to follow-up and provide Tom's contact information to assist you in organizing a presentation at the upcoming Ecosystem Managers Meeting. I will also get back to you, Brad and Jason about the best way for your office to engage the provincial agencies on the program roll-out.

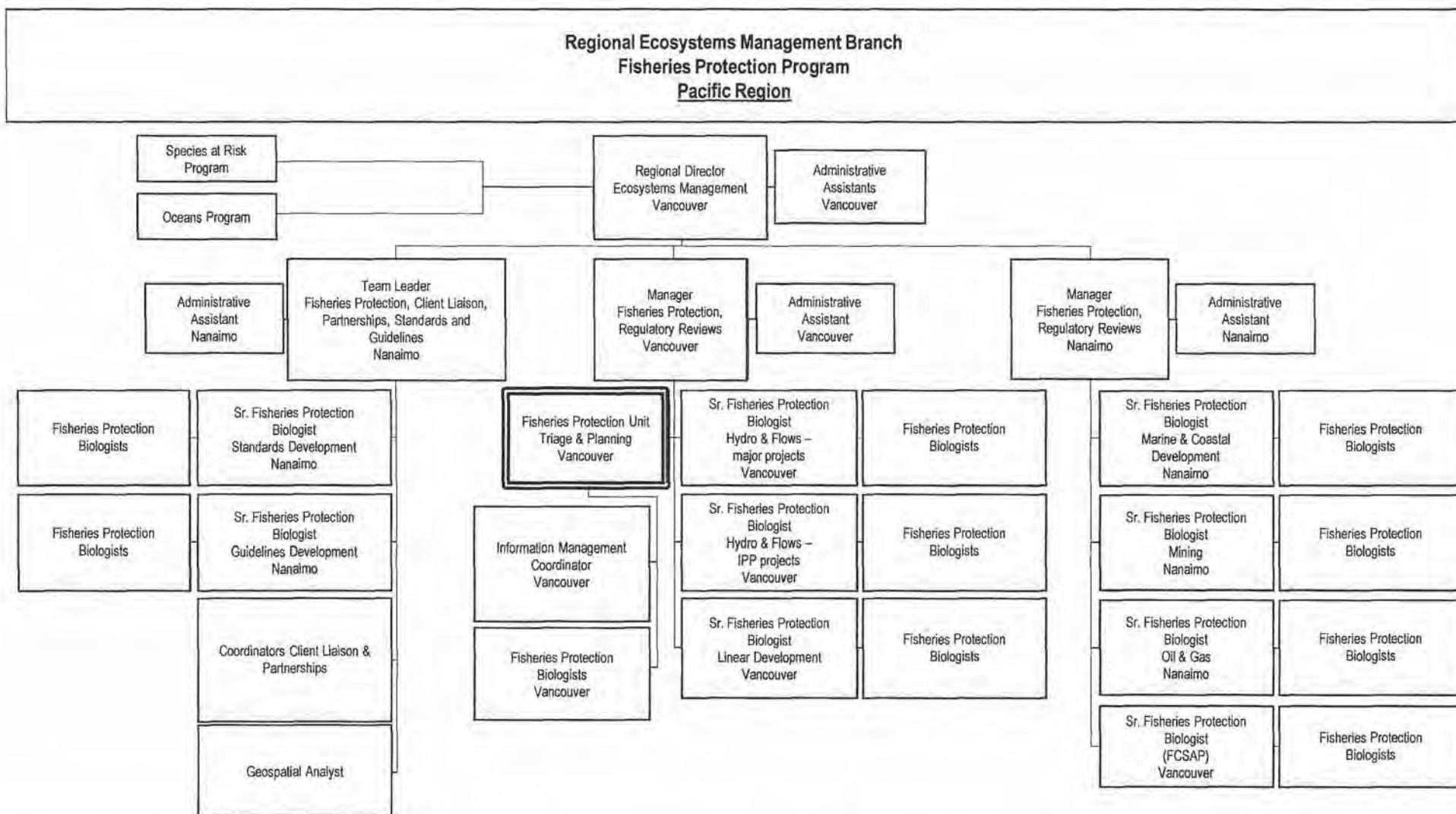
When you have a chance, would you please forward an electronic copy of the organization chart you referenced yesterday.

### Contact Info

Tom Ethier, ADM  
Resource Stewardship Division  
Ministry of Forest, Lands and Natural Resource Operations

Email: [Tom.Ethier@gov.bc.ca](mailto:Tom.Ethier@gov.bc.ca)  
Ph: 250 356-0972

Thank you,  
***Lisa Paquin,***  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)



- Pacific Region will have 5 service delivery points: Vancouver, Nanaimo, Prince Rupert, Kamloops, and Whitehorse
- Triage and Planning Unit – responsible for a 'one-window approach' for the receipt of all regulatory reviews, Environmental Assessments, habitat occurrences, and planning
- Email address for referrals: [ReferralsPacific@dfo-mpo.gc.ca](mailto:ReferralsPacific@dfo-mpo.gc.ca)
- Habitat occurrences to be reported through the Department's Observe, Record, Report Line, or if internal, through triage at RHQ Vancouver.

## Paquin, Lisa C ENV:EX

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**From:** Antcliffe, Bonnie [Bonnie.Antcliffe@dfo-mpo.gc.ca]  
**Sent:** Thursday, May 9, 2013 11:28 AM  
**To:** Danks, Anthony ENV:EX; Paquin, Lisa C ENV:EX; Howard, Sara; Feyrer, Laura ENV:EX  
**Cc:** Hwang, Jason; Fanos, Brad  
**Subject:** FW: Conference Call hosted by Fisheries and Oceans Canada on the Fisheries Act //  
Téléconférence tenue par Pêches et Océans Canada sur la Loi sur les pêches

Hello Lisa, Anthony and Laura

Further to the CCFAM call yesterday and previous discussions on the Fisheries Act amendments, please find attached an update and contacts for input on the various documents, including the discussion paper, science reports, and regulations. Please let us know if you would like us to set-up another meeting - face-to-face or conference call, to discuss the material. Please contact Jason Hwang directly if you are interested in another session. Jason and I have tentatively set time aside the week of May 27 in case we want to hold a session.

### **Proposed approach to implementing the New Fisheries Protection Provisions under the *Fisheries Act***

The attached discussion paper has been prepared to explain recent amendments to *the Fisheries Act* related to fisheries protection and to provide an interpretation of new language and concepts found in the Act. The discussion paper focuses on the factors that will provide direction in Ministerial decision-making (the new section 6 of the *Fisheries Act*) and the new prohibition against causing serious harm to fish (the new section 35). Your feedback is sought to further refine the interpretation in order to develop operational guidance prior to the coming into force of these new provisions.

We would ask that you provide feedback to [FPP-PPP@dfo-mpo.gc.ca](mailto:FPP-PPP@dfo-mpo.gc.ca) by May 29<sup>th</sup>, 2013

In addition, a Science Advisory Report regarding scientifically significant terms in the amended *Fisheries Act* 2012 is now available on the Canadian Science Advisory Secretariat website ([http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012\\_063-eng.html](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012_063-eng.html))

Finally, a reminder that proposed Information Requirements and Time Limits Regulations were pre-published in Part I of the *Canada Gazette*, on April 13, 2013 for a 30-day period (<http://canadagazette.gc.ca/rp-pr/p1/2013/2013-04-13/html/reg1-eng.html>). Any feedback you may have on these regulations should be provided to [FPR-RPP@dfo-mpo.gc.ca](mailto:FPR-RPP@dfo-mpo.gc.ca)

Bonnie Antcliffe

Regional Director

Ecosystem Management Branch

Suite 200 – 401 Burrard Street

Vancouver, BC V6C 3S4

Phone: (604) 666-6532

Cell: s.16



Email: bonnie.antcliffe@dfo-mpo.gc.ca

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**From:** XNCR, CCFAM-CCMPA

**Sent:** May-07-13 2:43 PM

**To:** XNCR, CCFAM-CCMPA; 'Andrew Wilson'; 'Audie Skinner'; 'Brian Skinner'; 'Chris Dunn'; 'Dave M Brown'; 'Don Maclean'; 'Dr. Brian Parker'; 'Francois Montminy-Munyan'; 'Gerald Macdougall'; 'Jessy Dynes'; 'John Colford'; 'Kathryn Collet'; 'Larissa Mathewson-Brake'; 'Lynda Yonge'; 'Nathan Millar'; 'Rosanne MacFarlane'; 'Travis Ripley'; 'Vicki Marshall'; 'Wayne Lynch'; 'Audie Skinner'; 'Barry MacPhee'; 'Chris Dunn'; 'Daniel, Katerina'; 'Dr. Brian Parker'; 'Eric Boysen'; 'François Montminy-Munyan'; 'John Colford'; 'Joseph Labelle'; 'Larry Neilson'; 'Leo Mui'; 'Lynda Yonge'; 'Mike Warren'; 'Nathan Millar'; 'Neil MacNair'; 'Oliver Barker'; 'Stan Kavalinas'; 'Travis Ripley'; 'Wandalee Wiseman'; 'Wayne Lynch'

**Cc:** Bate, Angela; Collins, John; Deschênes, Louise; Hopper, Stephanie; Hurst, Karen; King, Rhea L; Daniel, Katerina; Vachon, Marc; Myre, Mathew; Winfield, Nicholas; Finn, Ray; Nicholson, Dale; Cormier, Roland; Walsh, Gordon; Antcliffe, Bonnie; Burgess, Steve; Ashley, Sharon; Hopky, Glen; Caron, Tiffany

**Subject:** RE: Conference Call hosted by Fisheries and Oceans Canada on the Fisheries Act // Téléconférence tenue par Pêches et Océans Canada sur la Loi sur les pêches

Good afternoon,

Please note that a Science Advisory Report regarding scientifically significant terms in the amended *Fisheries Act* 2012 is now available on the Canadian Science Advisory Secretariat website:

[http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012\\_063-eng.html](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012_063-eng.html)

Bonjour,

Veillez noter que l'avis scientifique en ce qui concerne les termes importants sur le plan scientifique figurant dans la *Loi sur les pêches* modifiée en 2012, est actuellement disponible sur le site-web SCCS.

[http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012\\_063-fra.html](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012_063-fra.html)

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**From:** XNCR, CCFAM-CCMPA

**Sent:** May 6, 2013 4:09 PM

**To:** 'Andrew Wilson'; 'Audie Skinner'; 'Brian Skinner'; 'Chris Dunn'; 'Dave M Brown'; 'Don Maclean'; 'Dr. Brian Parker'; 'Francois Montminy-Munyan'; 'Gerald Macdougall'; 'Jessy Dynes'; 'John Colford'; 'Kathryn Collet'; 'Larissa Mathewson-Brake'; 'Lynda Yonge'; 'Nathan Millar'; 'Rosanne MacFarlane'; 'Travis Ripley'; 'Vicki Marshall'; 'Wayne Lynch'; 'Audie Skinner'; 'Barry MacPhee'; 'Chris Dunn'; 'Daniel, Katerina'; 'Dr. Brian Parker'; 'Eric Boysen'; 'François Montminy-Munyan'; 'John Colford'; 'Joseph Labelle'; 'Larry Neilson'; 'Leo Mui'; 'Lynda Yonge'; 'Mike Warren'; 'Nathan Millar'; 'Neil MacNair'; 'Oliver Barker'; 'Stan Kavalinas'; 'Travis Ripley'; 'Wandalee Wiseman'; 'Wayne Lynch'

**Cc:** Bate, Angela; Collins, John; Deschênes, Louise; Hopper, Stephanie; Hurst, Karen; King, Rhea L; Daniel, Katerina; Trudeau, Miriam; Vachon, Marc; Myre, Mathew; Winfield, Nicholas; Finn, Ray; Nicholson, Dale; Cormier, Roland; Walsh, Gordon; Antcliffe, Bonnie; Burgess, Steve; Ashley, Sharon; Hopky, Glen; Caron, Tiffany

**Subject:** Conference Call hosted by Fisheries and Oceans Canada on the Fisheries Act // Téléconférence tenue par Pêches et Océans Canada sur la Loi sur les pêches

Good day,

We would like to invite the Interjurisdictional Working Group and the Inland Fisheries Committee members to join a conference call hosted by Fisheries and Oceans Canada to present the Discussion Paper -Implementing the New Fisheries Protection Provisions under the *Fisheries Act* Wednesday May 8, 2013 from 13:00 to 14:00 EDT.

Please confirm your attendance by replying to this e-mail by noon tomorrow.

To join the conference call please dial the following number and enter the access code when prompted.

1-877-413-4785



Access Code: s.17

Thank you.

<< File: TAB 2 Discussion Paper 2013 EN.PDF >>

Bonjour,

Nous voudrions inviter les membres du Groupe de travail intergouvernemental et du Comité des pêches dans les eaux intérieures à joindre une téléconférence organisée par Pêches et Océans Canada le mercredi 8 mai 2013 afin de présenter le Document de discussion sur la Mise en oeuvre des nouvelles dispositions sur la protection des pêches de la *Loi sur les pêches* mercredi le 8 mai 2013 de 13 h à 14 h HAE.

Veuillez confirmer votre participation en répondant à ce courriel d'ici demain midi.

Pour vous joindre à la téléconférence, veuillez signaler le numéro suivant et insérer le code d'accès lorsque demandé.

1-877-413-4785

Code accès : s.17

Merci.

<< File: TAB 2 Discussion Paper 2013 FR.PDF >>

## Paquin, Lisa C ENV:EX

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**From:** Antcliffe, Bonnie [Bonnie.Antcliffe@dfo-mpo.gc.ca]  
**Sent:** Sunday, February 17, 2013 8:48 PM  
**To:** Paquin, Lisa C ENV:EX; Fanos, Brad  
**Cc:** Hwang, Jason; Danks, Anthony ENV:EX  
**Subject:** Re: Potential meeting with DFO and BC

This meeting is confirmed for monday. It will be Trevor and the RDG from DFO. Will look forward the session noted below, which as Brad notes - it won't be in Feb - will likely be later in march.

Bonnie Antcliffe  
Regional Director, EMB  
Pacific Region

---

**From:** Paquin, Lisa C ENV:EX [mailto:Lisa.Paquin@gov.bc.ca]  
**Sent:** Thursday, February 14, 2013 10:06 PM Eastern Standard Time  
**To:** Fanos, Brad  
**Cc:** Hwang, Jason; Antcliffe, Bonnie; Danks, Anthony ENV:EX <Anthony.Danks@gov.bc.ca>  
**Subject:** Re: Potential meeting with DFO and BC

Sounds great Brad, thx for the follow-up email. Cheers, Lisa

---

**From:** Fanos, Brad [mailto:Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Thursday, February 14, 2013 06:35 PM Pacific Standard Time  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Hwang, Jason <Jason.Hwang@dfo-mpo.gc.ca>; Antcliffe, Bonnie <Bonnie.Antcliffe@dfo-mpo.gc.ca>  
**Subject:** RE: Potential meeting with DFO and BC

Hi Lisa

Thanks for the message today. Yes I understand that our ADM (Trevor S) and RDG are arranging a meeting with senior BC staff for next week. My potential meeting described below will likely occur at a later date and Jason and I will keep you informed of potential dates in the coming week.

Thanks  
Brad

Brad Fanos  
Pacific Region Manager  
Habitat Management Program  
Ecosystem Management Branch (formerly OHEB)  
Fisheries and Oceans Canada, Pacific Region  
Phone: (604) 666-3909  
e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

New Pacific Habitat Website - Working Near Water:  
<http://www.pac.dfo-mpo.gc.ca/habitat/index-eng.htm>

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** February-08-13 4:29 PM  
**To:** Fanos, Brad  
**Cc:** Hwang, Jason; Antcliffe, Bonnie  
**Subject:** RE: Potential meeting with DFO and BC

Thx for the update Brad. I look forward to discussing this with you or Jason next week.

Have a great weekend,

**Lisa Paquin**

Director

IGR and External Relations Branch

Strategic Policy Division

B.C. Ministry of Environment

Ph: 250-387-9661

Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

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**From:** Fanos, Brad [<mailto:Brad.Fanos@dfo-mpo.gc.ca>]  
**Sent:** Friday, February 8, 2013 2:46 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Hwang, Jason; Antcliffe, Bonnie  
**Subject:** Potential meeting with DFO and BC

Hi Lisa

Jason Hwang and I have been in discussion with Bonnie Antcliffe (EMB RD) and our NHQ counterparts regarding the potential for a future engagement session with BC on FA changes and associated regulation and policy development with DFO. Our initial thoughts are that this engagement session would be face to face with 3-4 DFO (senior managers, RD and NHQ Director) and 6-9 core BC reps at the appropriate levels and ministries (smaller core group than what was assembled in Sep 2012 meeting).

At this stage we are not certain of the timing but wanted to give you a heads up that the week of Feb 25 may be a potential opportunity or failing that the subsequent 2 weeks may be an option.

No need for action on this at this stage, we just wanted to keep you informed of the possibility. Either Jason or I will follow up next week to provide an update on the potential for this session.

Thanks

Brad

Brad Fanos

Pacific Region Manager

Habitat Management Program

Ecosystem Management Branch (formerly OHEB)

Fisheries and Oceans Canada, Pacific Region

Phone: (604) 666-3909

e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

New Pacific Habitat Website - Working Near Water:

<http://www.pac.dfo-mpo.gc.ca/habitat/index-eng.htm>

## Paquin, Lisa C ENV:EX

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**From:** Antcliffe, Bonnie [Bonnie.Antcliffe@dfo-mpo.gc.ca]  
**Sent:** Monday, November 12, 2012 2:15 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** RE: Amendments to the Fisheries Act: Comments from Government of British Columbia Natural Resource Sector

Thanks Lisa. We are aware of the letter

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**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** November 7, 2012 11:29 AM  
**To:** Fanos, Brad; Hwang, Jason; Antcliffe, Bonnie  
**Cc:** Howard, Sara ENV:EX; Danks, Anthony ENV:EX  
**Subject:** FW: Amendments to the Fisheries Act: Comments from Government of British Columbia Natural Resource Sector

FYI... the attached letter was sent to your minister. Cheers, Lisa

The Honourable Gail Shea, PC, MP  
Acting Minister of Fisheries and Oceans  
Email: [min@dfo-mpo.gc.ca](mailto:min@dfo-mpo.gc.ca)

Dear Minister Shea:

On June 27, 2012, the federal government announced its intention to engage and consult with public and stakeholders over the summer and fall to develop the policy and regulatory framework to support changes to the *Fisheries Act* (the Act). On behalf of the British Columbia (BC) Government's Natural Resource Sector, we would like to express our desire to be formally involved in this process as soon as possible.

British Columbia recognizes that several changes under the Act will address issues that our province has been seeking to resolve for some time. We are pleased to see these changes and are looking forward to assisting with their implementation. These changes include:

- Economic benefits for BC's commercial fishing sectors. We support the development of mechanisms to allocate fish to fund science and management activities, but would like to understand how any broadening of the use of fish allocation will be managed to avoid harm to licensed fishing enterprises.
- Greater management of aquatic invasive species and introductions and transfers. BC is currently revising the Controlled Alien Species Regulation (under the *BC Wildlife Act*) to prohibit the possession, breeding and trafficking of high-risk aquatic invasive species. We hope to coordinate our efforts with yours and ensure federal and provincial legislation is complementary and well aligned.
- Greater efficiencies and clarification of each jurisdiction's roles through administrative and equivalency agreements and regulatory streamlining. This promises to reduce duplication and overlap in federal/provincial authority (such as wastewater effluent).
- Enhanced compliance and enforcement mechanisms that increase fines for offences, establish the ability to charge and set penalties, and clarify and expand powers of inspectors.

There are also areas where we have identified policy concerns and potential issues with the Act amendments. In the immediate term, these include the designation of commercial, recreational and Aboriginal fisheries and how to define the concepts of “ongoing productivity” and “permanent alteration.” BC’s concerns are outlined in detail in the attachment to this letter.

We appreciate the recent information meeting with Fisheries and Oceans Canada (DFO) ADM Kevin Stringer on September 4, 2012, and his presentation to the Canadian Council of Fisheries and Aquaculture Ministers on September 6, 2012, which provided an overview of changes to the Act. These meetings provided an excellent forum to begin the conversation on future consultation opportunities. However, if formal consultation does not begin shortly, BC is concerned there will not be adequate time to meaningfully contribute to the development of policies and regulations in support of the Act. We are eager to work together, both in areas where we see increased opportunities for BC as well as areas where potential challenges exist, both federally and provincially.

Please have your staff contact the Deputy Minister for the Ministry of Environment, Wes Shoemaker, as the provincial lead for this engagement. The Ministry of Environment will coordinate the Natural Resource Sector approach and liaise with key contacts within the Province.

Thank you for your attention to these critical issues and we look forward to working together on this important matter.

Please give my best to Keith.

Sincerely,

Terry Lake  
Minister of Environment

Attachment: Policy Concerns and Potential Issues with *Fisheries Act* Amendments

cc: Honourable Ida Chong, Minister of Aboriginal Relations and Reconciliation  
Honourable Norm Letnick, Minister of Agriculture  
Honourable Steve Thomson, Minister of Forests, Lands and Natural Resource Operations  
Claire Dansereau, Deputy Minister, Fisheries and Oceans Canada  
Steve Carr, Deputy Minister, Ministry of Energy, Mines and Natural Gas  
Doug Konkin, Deputy Minister, Ministry of Forests, Lands and Natural Resource Operations  
Steve Munro, Deputy Minister, Ministry of Aboriginal Relations and Reconciliation  
Wes Shoemaker, Deputy Minister, Ministry of Environment  
Derek Sturko, Deputy Minister, Ministry of Agriculture  
Dave Nikolejsin, Associate Deputy Minister, Environmental Assessment Office  
Elaine Feldman, President, Canadian Environmental Assessment Agency

## Paquin, Lisa C ENV:EX

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**From:** Antcliffe, Bonnie [Bonnie.Antcliffe@dfo-mpo.gc.ca]  
**Sent:** Sunday, September 16, 2012 1:19 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Bate, Angela; Fanos, Brad; Hwang, Jason; Howard, Sara ENV:EX; Danks, Anthony ENV:EX  
**Subject:** Re: Federal Fisheries Act Consultations

Thanks Lisa

Let's discuss in person when we meet this week. Some of the information summarized from Kevin's presentation is not as accurate as we would like and we may want to edit if we want formal, detailed minutes. We realize this is one of the challenges of recording notes when no material is available. The other option is a higher level summary.

Bonnie Antcliffe  
Regional Director, EMB  
Pacific Region

---

**From:** Paquin, Lisa C ENV:EX [mailto:Lisa.Paquin@gov.bc.ca]  
**Sent:** Tuesday, September 11, 2012 02:51 PM  
**To:** Antcliffe, Bonnie  
**Cc:** Bate, Angela; Fanos, Brad; Hwang, Jason; Howard, Sara ENV:EX <Sara.Howard@gov.bc.ca>; Danks, Anthony ENV:EX <Anthony.Danks@gov.bc.ca>  
**Subject:** RE: Federal Fisheries Act Consultations

Hi Bonnie,

Thank you very much for the first cut at documenting the list of the points for follow-up. I have incorporated it into the attached summary of the meeting. Please let me know if you have any comments or concerns. Once we are comfortable I would recommend sending it out to the participants for their review and feedback.

Cheers,

**Lisa Paquin,**  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: Lisa. [Paquin@gov.bc.ca](mailto:Paquin@gov.bc.ca)

---

**From:** Antcliffe, Bonnie [mailto:Bonnie.Antcliffe@dfo-mpo.gc.ca]  
**Sent:** Friday, September 7, 2012 3:03 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Bate, Angela; Fanos, Brad; Hwang, Jason  
**Subject:** RE: Federal Fisheries Act Consultations

Hello Lisa,

Please find attached our first cut at documenting the list of the points for follow-up in the short (4 months) and longer term from the Sept. 4th meeting. We have grouped the points into key themes to facilitate coordination.

Bonnie

**Bonnie Antcliffe**

Regional Director | Directrice régionale

Ecosystem Management Branch | Gestion des écosystèmes

Fisheries and Oceans Canada | Pêches et Océans Canada

Suite 1320 - 401 Burrard Street | pièce 1320, 401 rue Burrard

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[bonnie.antcliffe@dfo-mpo.gc.ca](mailto:bonnie.antcliffe@dfo-mpo.gc.ca)

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s.17 :éll

604-666-4844 facsimile | télécopieur

Government of Canada | Gouvernement du Canada



## Paquin, Lisa C ENV:EX

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**From:** Antcliffe, Bonnie [Bonnie.Antcliffe@dfo-mpo.gc.ca]  
**Sent:** Friday, September 7, 2012 3:03 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Bate, Angela; Fanos, Brad; Hwang, Jason  
**Subject:** RE: Federal Fisheries Act Consultations  
**Attachments:** BC list Sept 4.doc

Hello Lisa,

Please find attached our first cut at documenting the list of the points for follow-up in the short (4 months) and longer term from the Sept. 4th meeting. We have grouped the points into key themes to facilitate coordination.

Bonnie

### **Bonnie Antcliffe**

Regional Director | Directrice régionale  
Ecosystem Management Branch | Gestion des écosystèmes  
Fisheries and Oceans Canada | Pêches et Océans Canada  
Suite 1320 - 401 Burrard Street | pièce 1320, 401 rue Burrard  
Vancouver B.C. | Vancouver, C.-B. V6C 3S4  
[bonnie.antcliffe@dfo-mpo.gc.ca](mailto:bonnie.antcliffe@dfo-mpo.gc.ca)  
604-666-6532 téléphone  
s.17 cell  
604-666-4844 facsimile | télécopieur  
Government of Canada | Gouvernement du Canada

## Key Points for follow up from Sept. 4 DFO – BC Meeting re: Fisheries Act Changes

### Short Term (4 months)

1. Interpretation and communication of key concepts related to Fisheries Act changes:
  - a. Serious Harm / Permanent Alteration
  - b. Ongoing Productivity
  - c. Public interest
2. Roles, responsibilities and coordination between DFO and BC for application of Fisheries Protection provisions of the Fisheries Act for provincially managed fisheries:
  - a. Coordination on whether the affected waters are part of or support a CRA fishery.
  - b. Coordination on consideration of fisheries management objectives in habitat regulatory decisions
  - c. Information and Timelines regulations under the Fisheries Act - review for alignment with EA processes (eg. BCEAA)
  - d. BC regulations and policies (review of existing documents to see which ones are relevant and need revision, or ones no longer relevant). May need quick scan as Short term to see if any are a problem
  - e. Communication and training for agency staff (federal/provincial)

### Longer Term (after January):

1. First Nation consultation and relations in light of the Fisheries Act changes
2. Streamlining opportunities:
  - equivalency
  - Opportunity for developing standards and partnerships, etc.
3. Aquatic Invasive Species
4. Cumulative Effects Assessment – BC has recently done some work on this, may be an opportunity to connect this with Fisheries Act related decisions and considerations
5. Review MPA work for relevance to potential Ecologically Significant Areas
6. Discuss coordination on Compliance and Enforcement
7. Thresholds for deleterious substances (Environment Canada is the federal lead)

### Actions and next steps:

1. Confirm the list of issues above and identify priorities
2. Monthly email updates on progress in bilat consultation
3. Follow up BC -DFO meeting in 6-8 weeks time.

## Paquin, Lisa C ENV:EX

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**From:** Antcliffe, Bonnie [Bonnie.Antcliffe@dfo-mpo.gc.ca]  
**Sent:** Friday, August 10, 2012 1:45 PM  
**To:** Bate, Angela; Paquin, Lisa C ENV:EX  
**Cc:** Ennis, Kyleen  
**Subject:** RE: Kevin Stringer

Thanks Angela. We will be ready to attend. Just let us know where and start time

---

**From:** Bate, Angela  
**Sent:** August 10, 2012 12:00 PM  
**To:** 'Paquin, Lisa C ENV:EX'  
**Cc:** Ennis, Kyleen; Antcliffe, Bonnie  
**Subject:** Kevin Stringer

Hi Lisa,  
Just confirmed with Kevin's office that he wants to go ahead with the meeting on Sept 4 and to start planning for it.

Policy Branch can coordinate things at the DFO end -- please contact Kyleen or me if you have any questions.

Thanks,  
Angela

\*\*\*\*\*

**Angela Bate**  
Regional Director, Policy / Directrice Régionale, Politiques  
Pacific Region / Région du Pacifique  
Fisheries and Oceans Canada / Pêches et océans Canada  
200-401 rue Burrard St  
Vancouver, BC  
V6C 3S4  
(604) 666-7963 - t  
s.17 - C  
[angela.bate@dfo-mpo.gc.ca](mailto:angela.bate@dfo-mpo.gc.ca)

Government of Canada / Gouvernement du Canada

\*\*\*\*\*

## Paquin, Lisa C ENV:EX

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**From:** Fanos, Brad [Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Wednesday, December 4, 2013 9:44 AM  
**To:** Carswell, Barron AGRI:EX; Hwang, Jason; Paquin, Lisa C ENV:EX  
**Subject:** RE: Consultation Sessions

Hi Baron

Please include Jason Hwang on the fri meeting request with call in information.

Thanks

Brad

Brad Fanos

Regulatory Reviews Manager

Fisheries Protection Program

Ecosystem Management Branch

Fisheries and Oceans Canada, Pacific Region

Phone: (604) 666-3909

e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

DFO "Projects Near Water" website: <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>

---

**From:** Carswell, Barron AGRI:EX [<mailto:Barron.Carswell@gov.bc.ca>]  
**Sent:** November-29-13 11:40 AM  
**To:** Fanos, Brad; Hwang, Jason; Paquin, Lisa C ENV:EX  
**Cc:** Feyrer, Laura ENV:EX; Magnan, Alain  
**Subject:** RE: Consultation Sessions

Hi Brad,

Thanks for getting back to me. That time works for me. I'll arrange a conference line and get back to everyone with the details shortly.

Yes I can confirm the topic is co-ordination of EA and DFO authorizations.

Cheers

*Barron Carswell*

Senior Manager

☎ (250)387-0363 land line

☎ (250)889-5166 cell

✉ [Barron.Carswell@gov.bc.ca](mailto:Barron.Carswell@gov.bc.ca)

**From:** Fanos, Brad [<mailto:Brad.Fanos@dfo-mpo.gc.ca>]  
**Sent:** Friday, November 29, 2013 11:36 AM  
**To:** Carswell, Barron AGRI:EX; Hwang, Jason; Paquin, Lisa C ENV:EX  
**Cc:** Feyrer, Laura ENV:EX; Magnan, Alain  
**Subject:** RE: Consultation Sessions

Hi Barron

I am available on fri Dec 6 from 10-11 if that works for you. Please confirm and we can lock this down. If more than you and I are attending we should arrange a conference call.

Please confirm the topic as below:  
DFO authorization and ensuring our processes are coordinated.

Thanks

Brad Fanos

Regulatory Reviews Manager

Fisheries Protection Program

Ecosystem Management Branch

Fisheries and Oceans Canada, Pacific Region

Phone: (604) 666-3909

e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

DFO "Projects Near Water" website: <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>

**From:** Carswell, Barron AGRI:EX [<mailto:Barron.Carswell@gov.bc.ca>]  
**Sent:** November-29-13 9:35 AM  
**To:** Hwang, Jason; Paquin, Lisa C ENV:EX  
**Cc:** Feyrer, Laura ENV:EX; Fanos, Brad  
**Subject:** RE: Consultation Sessions

Hi Jason

Thanks very much for getting back to us, I agree these are more operational issues. In terms of timing and day, anytime Tuesday, Thursday or Friday work best for me currently, so whatever time on those days works for Brad would be fine. If those days don't work I do have time slots on Monday or Wednesday that would work as well. Please let me know Brad.

Cheers

*Barron Carswell*

Senior Manager

☎ (250)387-0363 land line

📞 (250)889-5166 cell

✉ [Barron.Carswell@gov.bc.ca](mailto:Barron.Carswell@gov.bc.ca)

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**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Friday, November 29, 2013 9:27 AM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Carswell, Barron AGRI:EX; Feyrer, Laura ENV:EX; [Brad.Fanos@dfo-mpo.gc.ca](mailto:Brad.Fanos@dfo-mpo.gc.ca)  
**Subject:** RE: Consultation Sessions

Hi Lisa, Barron and Laura. Brad Fanos is going to coordinate with Barron on these questions as they are more operationally oriented so he will be better positioned to lead those discussions than I am. I will join in on the call if I am able to but if I am not we don't think it is essential for me to be there. I am not sure if Brad and Barron might have connected on this already, but if they haven't, maybe you can propose a time next week that works for you. Cheers. Jason.

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** November-28-13 3:38 PM  
**To:** Hwang, Jason  
**Cc:** Carswell, Barron AGRI:EX; Feyrer, Laura ENV:EX  
**Subject:** Consultation Sessions

Hi Jason,

Thank you very much for the extending the invitation to the province to listen in on your DFO consultations this week. We found it very interesting and informative to hear the presentations and the questions that were being asked – nice was nice to hear others perspectives.

In speaking with Barron today he mentioned that he is interested in following up with you on some of the items raised on the call. I believe he mentioned authorization and ensuring our processes are coordinated. We would be very interested in being part of this discussion and we have a few other questions as well. Are you available next week for an hour to go over some these with us? Let me know if you have a sometime available and we can coordinate the teleconference and provide you with the questions in advance. Cheers, Lisa

## Paquin, Lisa C ENV:EX

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**From:** Fanos, Brad [Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Wednesday, August 21, 2013 7:19 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Hwang, Jason; Feyrer, Laura ENV:EX  
**Subject:** Re: 2013 UBCM Convention - Information Bulletin 2

Hi Lisa  
830 could work if you cal 666 3909

---

**From:** Paquin, Lisa C ENV:EX [mailto:Lisa.Paquin@gov.bc.ca]  
**Sent:** Wednesday, August 21, 2013 06:33 PM  
**To:** Fanos, Brad  
**Cc:** Hwang, Jason; Feyrer, Laura ENV:EX <Laura.Feyrer@gov.bc.ca>  
**Subject:** Re: 2013 UBCM Convention - Information Bulletin 2

Thx Brad. I was wondering if you have time for a couple of question tomorrow morning? Laura and I are meeting with a couple of folks from the conservation officer service and I wanted to check a few things with you before the meeting.

Lisa

---

**From:** Fanos, Brad [mailto:Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Wednesday, August 21, 2013 06:09 PM Pacific Standard Time  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Hwang, Jason <Jason.Hwang@dfo-mpo.gc.ca>; Feyrer, Laura ENV:EX  
**Subject:** Re: 2013 UBCM Convention - Information Bulletin 2

Hi Lisa  
Yes Jason, myself and Al Magnan will be presenting.  
Brad

---

**From:** Paquin, Lisa C ENV:EX [mailto:Lisa.Paquin@gov.bc.ca]  
**Sent:** Wednesday, August 21, 2013 03:58 PM  
**To:** Fanos, Brad  
**Cc:** Hwang, Jason; Feyrer, Laura ENV:EX <Laura.Feyrer@gov.bc.ca>  
**Subject:** FW: 2013 UBCM Convention - Information Bulletin 2

Hi Brad,

I have attached the recent UBCM Convention Newsletter and I was pleased to see there is a Changes to the Fisheries Act Clinic taking place on the Tuesday morning. I was just wondering if your group is leading this clinic? Cheers, Lisa



## Paquin, Lisa C ENV:EX

---

**From:** Fanos, Brad [Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Wednesday, July 10, 2013 7:32 AM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Feyrer, Laura ENV:EX; Danks, Anthony ENV:EX; Hwang, Jason; Runciman, Bruce; Engelsjord@birch.itsd.gov.bc.ca; Antcliffe, Bonnie  
**Subject:** DFO presentation deck for discussion with BC at July 10 workshop  
**Attachments:** Final DFO presentation for BC July 10.ppt

Hi Lisa

Sorry for the delay in getting this to you. I will bring 20 copies for distribution.

See you just after 9.

Brad

Brad Fanos

Regulatory Reviews Manager

Fisheries Protection Program

Ecosystem Management Branch

Fisheries and Oceans Canada, Pacific Region

Phone: (604) 666-3909

e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

DFO Pacific Region webpage "Working Near Water in BC and Yukon" <http://www.pac.dfo-mpo.gc.ca/habitat/index-eng.htm>

DFO Pacific Region Project Review Application Form <http://www.pac.dfo-mpo.gc.ca/habitat/steps/praf/index-eng.htm>

Observe, Record and Report (ORR) Line: 1 800 465-4336



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Canada

# Fisheries Protection Program Implementation Update

Federal Fisheries Act Regulatory Change  
working group Update Meeting with BC- DFO

July 10, 2013

Victoria

Canada



## Objectives

- Overview of *Fisheries Act* and Fisheries Protection Program Changes on DFO regulatory processes and
- Initiate discussions on how the new DFO project review process may intersect with BC's regulatory processes to identify conflicts, gaps or inefficiencies.

## Outline

1. Changes to legislation and policy
2. FPP overview
3. DFO regulatory review process
4. DFO Partnerships Guidelines Standards Unit



## Changes to Legislation

- A new section 35(1) prohibition focuses regulatory activities on threats to fisheries:  
“No person shall carry on any work, undertaking or activity that results in serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery.
- Serious harm to fish is defined as “... the death of fish or any permanent alteration to, or destruction of, fish habitat.”
- “Purpose” (S 6.1) and “Factors” provide direction for decision-making (S 6)



## Changes to Legislation

- Other important changes include:
  - Focus on Commercial, Recreational and Aboriginal fisheries (and fish that support)
  - Duty to notify of unauthorized harm to fish habitat (section 38(4)).
  - Conditions of authorization are now individually enforceable (section 40(3)(a)).
- Some changes in force now, others come into force later
- Information and Timelines Regulation in process
- More information is available on the Working Near Water in BC and Yukon website.



## Changes to Policy

- A new Fisheries Protection Policy For Canada is currently under development.
- The new policy is supported by advice from the Canadian Science Advisory Secretariat (CSAS).
- In the interim, the “Implementing the New Fisheries Protection Provisions under the Fisheries Act” discussion paper outlines and interprets recent changes for staff and stakeholders.





## FPP Key messages

1. Legislative changes - “serious harm to fish that are part of or contribute to CRA fishery”.
2. from area-based delivery ( HMP - local habitat biologists) to centralized management of referrals and industry section Fisheries Protection Units.
3. The FPP has reduced footprint (5 offices) and resources (compared to previous HMP)
4. Implementation of a consistent and structured regulatory review process (triage):
  - Reliance on best placed delivery/partnerships (lower risk projects)
  - Refocus of effort on higher risk projects requiring a FA authorization.

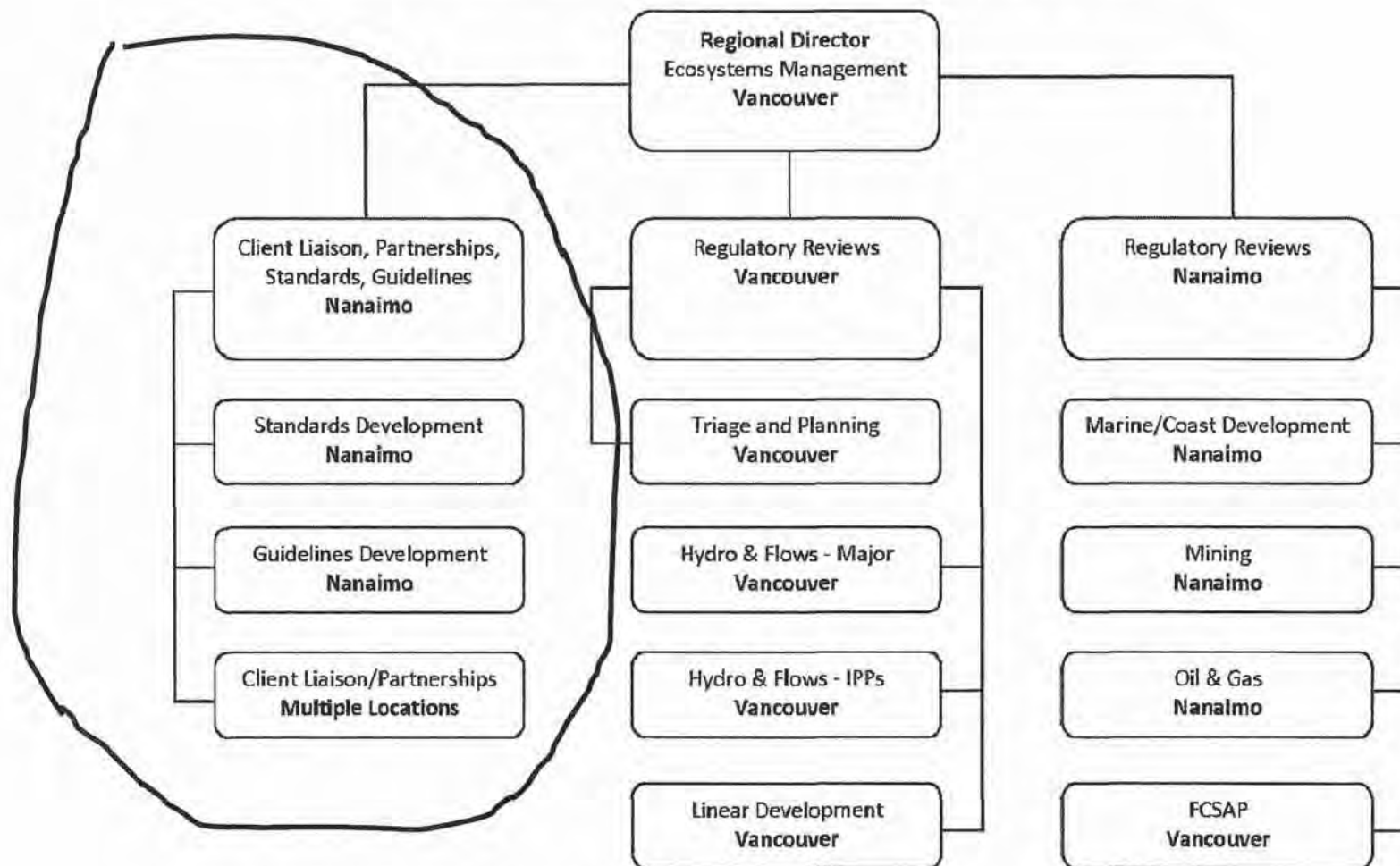




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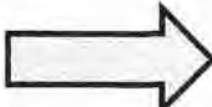
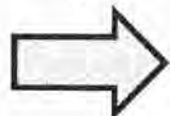
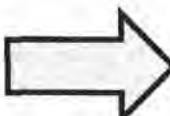
# New FPP Organization



Additional Program staff are located in the Nanaïmo, Vancouver, Prince Rupert and Whitehorse Service Delivery Points, but are not illustrated on this simplified organization chart.



## FPP Regulatory Framework

- Centralized regulatory coordination / decision making
- Project Referrals  Website / triage
- Habitat occurrences  ORR Line / triage
- Environmental assessment  CEAA / triage



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# FPP Regulatory project review process

## 1. Website: Working Near Water in BC and Yukon

- Information to help proponents comply with Fisheries Act without a DFO review
- Apply for authorization, request review, or notify

## 2. Triage : Is regulatory review required?

- Triage review process
- If low risk – letter of advice (no authorization required)
- If high risk – assign for regulatory review by FPU

## 3. Regulatory Review proces: Is authorization required?

- Authorization review process
- If low risk – letter of advice (no authorization required)
- If high risk – decision on Fisheries Act authorization



# DFO Role in EA

## CEAA 2012 Changes

- DFO is not responsible for conduct of federal EAs
- CEA Agency, NEB, and CNSC are responsible authorities under CEAA 2012
- DFO is no longer a decision-maker but provides expert advice on fish, fish habitat and aquatic SAR to the responsible authority
- DFO provides expert advice to BC EAO for substituted or equivalent EAs managed by BC (same as for standard federal EA)

## DFO role in BC EA

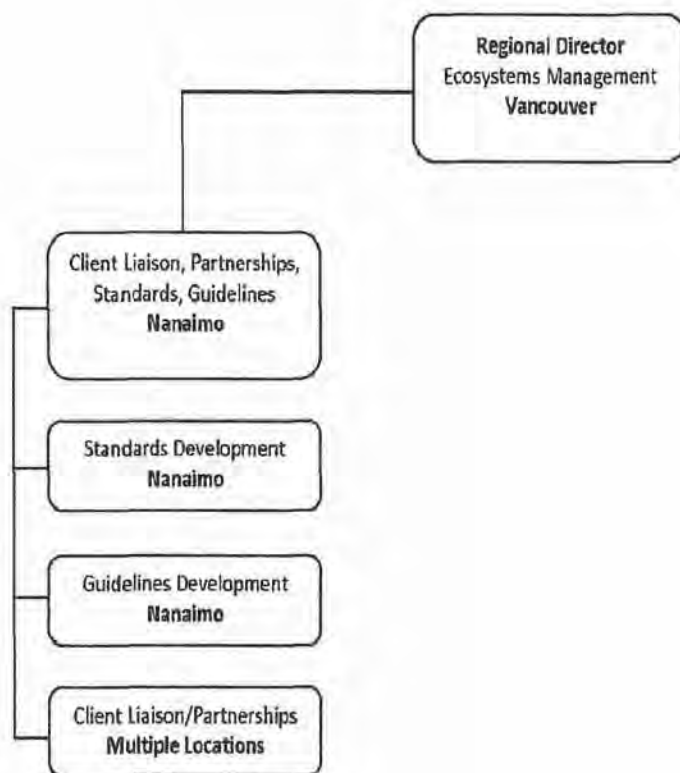
- At this time DFO is not participating in BC-only EA
- Where DFO may have future regulatory decisions, may participate in BC EA to inform decisions
- DFO will continue to advise proponents on information requirements for review and authorization under Fisheries Act



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# Partnership Guidelines and Standards



## Key Functions:

- Liaising with clients to negotiate, develop, manage and audit partnership agreements in support of FPP objectives (e.g. RFCPP)
- Support / coordinate First Nations consultations
- Leading the development of standards and guidelines for the protection of CRA fisheries existing guidelines still valid

## Interaction with BC

- Partnerships and agreement with BC
- Standards and guidelines development / renewal
- Development of coordinated regulatory processes / tools

Additional Program staff are located in the Nanaimo, Vancouver, Prince Rupert and Whitehorse Service Delivery Points, but are not illustrated on this simplified organization chart.

Canada 



## FPP Contacts in Pacific Region

- For general questions or help contact the Pacific Region Helpline:
  - Phone: Toll free 1-866-845-6776
  - Website: <http://www.pac.dfo-mpo.gc.ca/habitat/index-eng.htm>
  - Email: [EnquiriesPacific@dfo-mpo.gc.ca](mailto:EnquiriesPacific@dfo-mpo.gc.ca)
- To report damage to fish or fish habitat:
  - Phone: toll free 1-800-465-4336
  - Website: [Observe, Record, Report](#)
- Regulatory Reviews: Brad Fanos (Vancouver):
  - Phone: (604) 666-3909
  - Email: [Brad.Fanos@dfo-mpo.gc.ca](mailto:Brad.Fanos@dfo-mpo.gc.ca)
- Partnerships: Alain Magnan (Nanaimo):
  - Phone: (250) 756-7021
  - Email: [Alain.Magnan@dfo-mpo.gc.ca](mailto:Alain.Magnan@dfo-mpo.gc.ca)



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## Discussion

- Key issues and gaps
  - Process for FPP coordination with BC
  - Priorities and opportunities





# DFO- BC Regulatory Coordination Continuum

## 1. Independent processes

- DFO - website /triage / Information requirements regs.
- BC – FCBC / line agencies / permitting requirements



### **Variable level of coordination**

- opportunistically on a Area/Regional basis to meet operational needs
- Consistent and standardized processes needed

## 2. Fully coordinated processes - ?? Conceptual Tbd ??



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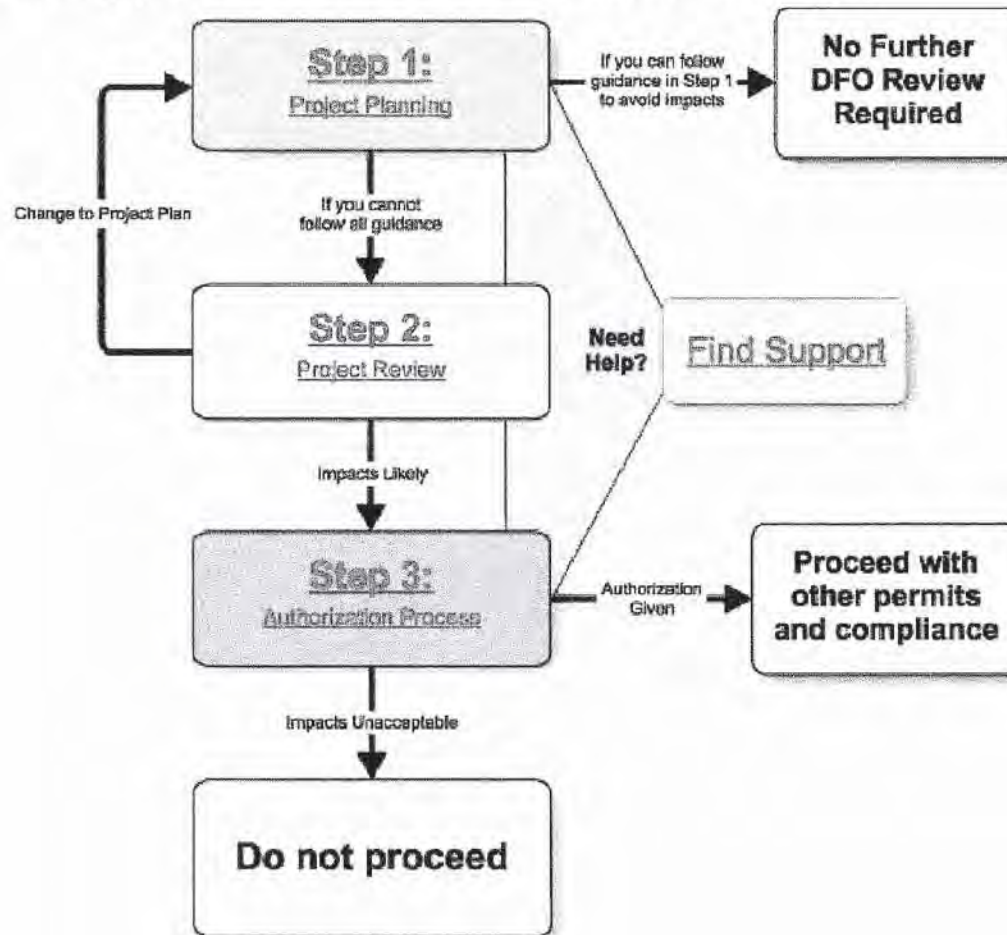


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Canada

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Canada

## Changes to Process

- Existing processes and standards continue to apply:



- Self-Assessment
- Standards
- Guidelines
- Regulations

- Triage
- Letters of Advice

- Authorization
- Monitoring

- More information is available on the Working Near Water in BC and Yukon website

## Paquin, Lisa C ENV:EX

---

**From:** Fanos, Brad [Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Monday, July 8, 2013 8:37 AM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** FW: Federal Fisheries Act Regulatory Change working group Update Meeting

Hi Lisa

Please see below, see you wed

thanks

-----Original Appointment-----

**From:** Fanos, Brad  
**Sent:** July-08-13 8:26 AM  
**To:** Feyrer, Laura ENV:EX  
**Cc:** Engelsjord, Michael; Hwang, Jason  
**Subject:** Accepted: Federal Fisheries Act Regulatory Change working group Update Meeting  
**When:** July-10-13 9:30 AM-3:30 PM (UTC-08:00) Pacific Time (US & Canada).  
**Where:** Victoria 2975 Jutland Rm 1-1

Hi Laura

We have a flight returning at 4pm so would like to try and finish by 315 to make the scheduled flight.

We will work to get your our presentation material for tues mid day

Thanks

## Paquin, Lisa C ENV:EX

---

**From:** Fanos, Brad [Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Tuesday, June 25, 2013 4:16 PM  
**To:** Feyrer, Laura ENV:EX  
**Cc:** Paquin, Lisa C ENV:EX; Hwang, Jason  
**Subject:** RE: DFO workshop for BC July 10

Hi  
how about Thur at 1:30. I will set up a con call for Jason, you and I if this works. We can always try early next week if it works better on your end.  
Draft agenda to follow but will focus on July 10 agenda- attendance and key topics

Thanks

Brad Fanos  
Regulatory Reviews Manager  
Fisheries Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada, Pacific Region  
Phone: (604) 666-3909  
e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

DFO Pacific Region webpage "Working Near Water in BC and Yukon" <http://www.pac.dfo-mpo.gc.ca/habitat/index-eng.htm>  
DFO Pacific Region Project Review Application Form <http://www.pac.dfo-mpo.gc.ca/habitat/steps/praf/index-eng.htm>  
Observe, Record and Report (ORR) Line: 1 800 465-4336

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**From:** Feyrer, Laura ENV:EX [<mailto:Laura.Feyrer@gov.bc.ca>]  
**Sent:** June-25-13 9:10 AM  
**To:** Fanos, Brad  
**Cc:** Paquin, Lisa C ENV:EX; Hwang, Jason  
**Subject:** FW: DFO workshop for BC July 10

Hi Brad,

Lisa is unavailable Thursday/Friday to touch base on the workshop, but I have some flexibility to discuss later this week or we can wait till next week, anytime Weds –Fri when we are all in the office. Let me know what is best from your perspective.

Cheers,

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor  
Strategic Policy | BC Ministry of Environment  
P: 250.387.9796 | F: 250.387.8894 | E: [laura.feyrer@gov.bc.ca](mailto:laura.feyrer@gov.bc.ca)

---

**From:** Feyrer, Laura ENV:EX  
**Sent:** Monday, June 24, 2013 3:11 PM  
**To:** 'Hwang, Jason'  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** DFO workshop for BC July 10

Hi Jason,

Just wanted to check in with you and confirm that DFO is good to go for our workshop on July 10.

As discussed at our last meeting we are hoping to have an advance of the slides DFO is intending to present on how DFO triage process works and the interface with various systems to clarify assumptions. If you have something draft before our regular meeting tomorrow that would be helpful, but if not I can distribute it to participants before the workshop.

I was also curious how the meeting with Ecosystem section heads at their June f2f meeting went from your perspective. Were you able to generate some examples from your discussions on the FA?

Thanks,

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor  
Strategic Policy | BC Ministry of Environment  
P: 250.387.9796 | F: 250.387.8894 | E: [laura.feyrer@gov.bc.ca](mailto:laura.feyrer@gov.bc.ca)



## Paquin, Lisa C ENV:EX

---

**From:** Fanos, Brad [Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Monday, June 24, 2013 7:06 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Feyrer, Laura ENV:EX; Hwang, Jason  
**Subject:** Re: Follow Up: 2013 UBCM Convention

Hi Lisa

I am booked solid til thur. Is thur an option on your end. Are you referring to the proposed july 10 BC-DFO operations workshop?

Thanks

Brad

---

**From:** Paquin, Lisa C ENV:EX [mailto:Lisa.Paquin@gov.bc.ca]  
**Sent:** Monday, June 24, 2013 03:15 PM  
**To:** Fanos, Brad  
**Cc:** Feyrer, Laura ENV:EX <Laura.Feyrer@gov.bc.ca>; Hwang, Jason  
**Subject:** FW: Follow Up: 2013 UBCM Convention

Hi Brad,

Laura and I were hoping to touch base with you in advance of the workshop. Do you have time available this week – preferably Tues or Wed if you are available. Thx, Lisa

---

**From:** Fanos, Brad [mailto:Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Monday, June 17, 2013 10:17 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Hwang, Jason  
**Subject:** Re: Follow Up: 2013 UBCM Convention

Hi Lisa

Sorry for the delay in responding. Thanks for this I will be discussing with our management team to see what the opportunities are to participate in a clinic.

Brad

---

**From:** Paquin, Lisa C ENV:EX [mailto:Lisa.Paquin@gov.bc.ca]  
**Sent:** Friday, June 14, 2013 03:10 PM  
**To:** Fanos, Brad  
**Cc:** Pfeffer, Jessica ENV:EX <jessica.pfeffer@gov.bc.ca>; Hwang, Jason  
**Subject:** FW: Follow Up: 2013 UBCM Convention

Hi Brad, just wondering if the DFO regional office is considering putting in a workshop or clinic proposal for the upcoming UBCM Convention. It would be a great opportunity it connect with local gov't on the DFO organization and leg changes. I have attached the info below in case you weren't aware of the process.

Laura and I also wanted to touch base with you next week on the workshop. Can you please let me know if there is a good time for you next week.

Cheers,  
**Lisa Paquin,**  
Director



IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

**Re: 2013 UBCM Convention – “Navigating the Local Landscape  
September 16 – 20<sup>th</sup> at the Vancouver Convention & Exhibition Centre”**

The 2013 Union of British Columbia Municipalities (UBCM) Convention will be held in Vancouver September 16 – 20 at the Vancouver Convention Centre. This year’s Convention theme is “**Navigating the Local Landscape**....Just as a compass steers a traveler on his path, so the 2013 UBCM Convention will aim to guide local leaders in their efforts to move their communities forward...”

UBCM’s public call for workshop and clinic proposals is now available at: <http://www.ubcm.ca/EN/main/convention/2012-convention/2013-session-proposal-process.html>.

There are four workshop sessions of approximately two hours, and 15 early morning clinic sessions of 45 minutes in length.

The deadline for submitting the online request to UBCM is **June 21, 2013**. The UBCM Convention Committee deliberates on the proposals on **July 18** and proponents are notified of the Committee’s decision by **August 2**.

## Paquin, Lisa C ENV:EX

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**From:** Fanos, Brad [Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Thursday, June 6, 2013 7:48 AM  
**To:** Feyrer, Laura ENV:EX; Paquin, Lisa C ENV:EX  
**Cc:** Hwang, Jason; Danks, Anthony ENV:EX; Antcliffe, Bonnie  
**Subject:** Re: Follow-up: Discussion on DFO Organizational Changes

Hi Laura

This agenda looks to capture the key discussion points for the initial discussion. We will participate by phone and will likely have 3-5 Managers representing the regulatory and partnership units attending.

Thank you for providing this opportunity.

Brad

---

**From:** Feyrer, Laura ENV:EX [mailto:Laura.Feyrer@gov.bc.ca]  
**Sent:** Wednesday, June 05, 2013 09:00 AM  
**To:** Fanos, Brad; Paquin, Lisa C ENV:EX <Lisa.Paquin@gov.bc.ca>; Antcliffe, Bonnie  
**Cc:** Hwang, Jason; Danks, Anthony ENV:EX <Anthony.Danks@gov.bc.ca>  
**Subject:** RE: Follow-up: Discussion on DFO Organizational Changes

Hi Brad

As discussed, please find our draft of the agenda for our 1.5 hr meeting on June 12<sup>th</sup> below. Please let me know if this fits your understanding or you have any suggested additions. Otherwise it would be good to send this out to our working group in the next day or so.

Cheers,

Laura

### Draft Agenda for June 12<sup>th</sup> BC NRS meeting with DFO

*Intent of this meeting is to initiate discussions with DFO on next steps for managing through transition and beyond.*

*Desired outcomes are to 1) build a common understanding of current situation and 2) build an agenda for a longer ½ day meeting to focus on process for moving forward*

For discussion:

- Review of DFO's new organizational structure and centralized focus
- Review of BC's current roles and responsibilities that will be affected by the changes within DFO and to the *Fisheries Act* (operational roles, policy guidance, committees and agreements)
- Moving forward - Build agenda for future meeting(s) around key themes of concern, questions and needs for DFO-BC coordination process through transition

---

**From:** Fanos, Brad [mailto:Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Monday, June 3, 2013 5:56 PM  
**To:** Paquin, Lisa C ENV:EX; Antcliffe, Bonnie  
**Cc:** Hwang, Jason; Feyrer, Laura ENV:EX; Danks, Anthony ENV:EX  
**Subject:** Re: Follow-up: Discussion on DFO Organizational Changes

Hi Lisa

The June 12th meeting can work for me perhaps we could discuss by phone this week to confirm the key discussion points, attendance in person and logistics. This will help us coordinate participants on our end.

I am available to discuss tues after 3pm if that works for you. Let me know.

Thanks for providing this opportunity

Brad

Brad Fanos

Regulatory Review Manager

Fisheries Protection Program

604 666 3909

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]

**Sent:** Monday, June 03, 2013 04:44 PM

**To:** Fanos, Brad; Antcliffe, Bonnie

**Cc:** Hwang, Jason; Feyrer, Laura ENV:EX <[Laura.Feyrer@gov.bc.ca](mailto:Laura.Feyrer@gov.bc.ca)>; Danks, Anthony ENV:EX <[Anthony.Danks@gov.bc.ca](mailto:Anthony.Danks@gov.bc.ca)>

**Subject:** Follow-up: Discussion on DFO Organizational Changes

Hi Bonnie and Brad,

I wanted to follow-up on the offer Bonnie made at the May 13<sup>th</sup> meeting to come and speak to folks about the Fisheries Protection Program Roll-Out and Program Delivery. We have a group of folks across the natural resource sector who meet on a bi-weekly basis to go over federal Fisheries Act items and I was hoping you would be able to speak to this group. The meetings are 1.5 hours in length and the next one is scheduled for Wednesday, June 12<sup>th</sup> from 1:30 to 3pm.

I believe many of the participants have received a high level update on the new DFO structure but a quick update would be helpful. I know there is a desire to better understand how the program will be delivered, looking at the role of the federal government and the province and how we will work together going forward.

Please give me a call and we can discuss the timing and agenda.

Cheers,

**Lisa Paquin,**

Director

IGR and External Relations

Strategic Policy Branch

B.C. Ministry of Environment

Ph: 250-387-9661

Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

## Paquin, Lisa C ENV:EX

---

**From:** Fanos, Brad [Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Tuesday, February 26, 2013 5:24 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Hwang, Jason; Antcliffe, Bonnie; Danks, Anthony ENV:EX  
**Subject:** RE: Potential meeting with DFO and BC

Hi Lisa

I left you a voice mail and would like to follow up with you to see if this referenced meeting could proceed on sometime between March 20-22? March 20<sup>th</sup> works best on our end. Let me know what option is best for BC folks. I am around on wed to discuss.

Thanks  
Brad

Brad Fanos

Pacific Region Manager

Fisheries Protection Program (previously Habitat Management Program)

Ecosystem Management Branch

Fisheries and Oceans Canada, Pacific Region

Phone: (604) 666-3909

e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

New Pacific Habitat Website - Working Near Water:

<http://www.pac.dfo-mpo.gc.ca/habitat/index-eng.htm>

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**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** February-14-13 7:06 PM  
**To:** Fanos, Brad  
**Cc:** Hwang, Jason; Antcliffe, Bonnie; Danks, Anthony ENV:EX  
**Subject:** Re: Potential meeting with DFO and BC

Sounds great Brad, thx for the follow-up email. Cheers, Lisa

---

**From:** Fanos, Brad [<mailto:Brad.Fanos@dfo-mpo.gc.ca>]  
**Sent:** Thursday, February 14, 2013 06:35 PM Pacific Standard Time  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Hwang, Jason <[Jason.Hwang@dfo-mpo.gc.ca](mailto:Jason.Hwang@dfo-mpo.gc.ca)>; Antcliffe, Bonnie <[Bonnie.Antcliffe@dfo-mpo.gc.ca](mailto:Bonnie.Antcliffe@dfo-mpo.gc.ca)>  
**Subject:** RE: Potential meeting with DFO and BC

Hi Lisa

Thanks for the message today. Yes I understand that our ADM (Trevor S) and RDG are arranging a meeting with senior BC staff for next week. My potential meeting described below will likely occur at a later date and Jason and I will keep you informed of potential dates in the coming week.

Thanks

Brad

Brad Fanos

Pacific Region Manager

Habitat Management Program

Ecosystem Management Branch (formerly OHEB)

Fisheries and Oceans Canada, Pacific Region

Phone: (604) 666-3909

e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

New Pacific Habitat Website - Working Near Water:

<http://www.pac.dfo-mpo.gc.ca/habitat/index-eng.htm>

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]

**Sent:** February-08-13 4:29 PM

**To:** Fanos, Brad

**Cc:** Hwang, Jason; Antcliffe, Bonnie

**Subject:** RE: Potential meeting with DFO and BC

Thx for the update Brad. I look forward to discussing this with you or Jason next week.

Have a great weekend,

**Lisa Paquin**

Director

IGR and External Relations Branch

Strategic Policy Division

B.C. Ministry of Environment

Ph: 250-387-9661

Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

---

**From:** Fanos, Brad [<mailto:Brad.Fanos@dfo-mpo.gc.ca>]

**Sent:** Friday, February 8, 2013 2:46 PM

**To:** Paquin, Lisa C ENV:EX

**Cc:** Hwang, Jason; Antcliffe, Bonnie

**Subject:** Potential meeting with DFO and BC

Hi Lisa

Jason Hwang and I have been in discussion with Bonnie Antcliffe (EMB RD) and our NHQ counterparts regarding the potential for a future engagement session with BC on FA changes and associated regulation and policy development with DFO. Our initial thoughts are that this engagement session would be face to face with 3-4 DFO (senior managers, RD and NHQ Director) and 6-9 core BC reps at the appropriate levels and ministries (smaller core group than what was assembled in Sep 2012 meeting).

At this stage we are not certain of the timing but wanted to give you a heads up that the week of feb 25 may be a potential opportunity or failing that the subsequent 2 weeks may be an option.

No need for action on this at this stage, we just wanted to keep you informed of the possibility. Either Jason or I will follow up next week to provide an update on the potential for this session.

Thanks

Brad

Brad Fanos

Pacific Region Manager

Habitat Management Program

Ecosystem Management Branch (formerly OHEB)

Fisheries and Oceans Canada, Pacific Region

Phone: (604) 666-3909

e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

New Pacific Habitat Website - Working Near Water:

<http://www.pac.dfo-mpo.gc.ca/habitat/index-eng.htm>

## Paquin, Lisa C ENV:EX

---

**From:** Fanos, Brad [Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Friday, February 8, 2013 2:46 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Hwang, Jason; Antcliffe, Bonnie  
**Subject:** Potential meeting with DFO and BC

Hi Lisa

Jason Hwang and I have been in discussion with Bonnie Antcliffe (EMB RD) and our NHQ counterparts regarding the potential for a future engagement session with BC on FA changes and associated regulation and policy development with DFO. Our initial thoughts are that this engagement session would be face to face with 3-4 DFO (senior managers, RD and NHQ Director) and 6-9 core BC reps at the appropriate levels and ministries (smaller core group than what was assembled in Sep 2012 meeting).

At this stage we are not certain of the timing but wanted to give you a heads up that the week of Feb 25 may be a potential opportunity or failing that the subsequent 2 weeks may be an option.

No need for action on this at this stage, we just wanted to keep you informed of the possibility. Either Jason or I will follow up next week to provide an update on the potential for this session.

Thanks  
Brad

Brad Fanos  
Pacific Region Manager  
Habitat Management Program  
Ecosystem Management Branch (formerly OHEB)  
Fisheries and Oceans Canada, Pacific Region  
Phone: (604) 666-3909  
e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

New Pacific Habitat Website - Working Near Water:  
<http://www.pac.dfo-mpo.gc.ca/habitat/index-eng.htm>



**Paquin, Lisa C ENV:EX**

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**From:** Fanos, Brad [Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Tuesday, October 30, 2012 8:18 AM  
**To:** Paquin, Lisa C ENV:EX; Danks, Anthony ENV:EX  
**Subject:** Touch Base

Lisa/Anthony

It looks like i will need to chair a managers meeting thur afternoon at 130 and wanted to see if we could shift this update meeting to 1pm. Is this possible?

Thanks  
Brad

## Paquin, Lisa C ENV:EX

---

**From:** Fanos, Brad [Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Wednesday, September 26, 2012 7:36 AM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Antcliffe, Bonnie; Hwang, Jason  
**Subject:** Re: Comments on BC's meeting notes

Hi Lisa

We have confirmed with NHQ no problem on distribution of this high level meeting summary.

Thanks

Brad

---

**From:** Fanos, Brad  
**Sent:** Tuesday, September 25, 2012 03:55 PM  
**To:** 'Paquin, Lisa C ENV:EX' <Lisa.Paquin@gov.bc.ca>  
**Subject:** FW: Comments on BC's meeting notes

Brad Fanos

Pacific Region Manager

Habitat Management Program

Ecosystem Management Branch (formerly OHEB)

Fisheries and Oceans Canada, Pacific Region

Phone: (604) 666-3909

e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

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<http://www.dfo-mpo.gc.ca/habitat/habitat-eng.htm>

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**From:** Fanos, Brad  
**Sent:** September 25, 2012 12:48 PM  
**To:** Howard, Sara ENV:EX; Danks, Anthony ENV:EX  
**Cc:** Antcliffe, Bonnie  
**Subject:** RE: Comments on BC's meeting notes

Hi Lisa

Please see attached comments/suggestions from both Jason and I to improve the accuracy of the more detailed notes BC recorded.

<<Meeting w DFO Notes Sep4(2) notes.docx>>

Also, can you confirm the meeting summary that you would like to distribute to meeting participants. If I recall you were looking to share a basic outline of objectives/discussion points and next steps? Something like...

Kevin Stringer gave an overview of the Bill C-38 Fisheries Act changes indicating they are in the beginning stages of implementation with the most significant *Fisheries Act* changes will come into effect through regulations at a later date --they are working toward January 2013.

Four objectives and discussion pointsd for the meeting:

1. To provide an overview of what is in the Act,
2. Discuss opportunities to align fisheries protection with fisheries management objectives(in BC)
3. Discuss opportunities for streamlining (short and long term)
4. Understand interests of other stakeholders (conservation groups, FN, etc.). Work on practical applications and discuss key concepts.

#### Actions and Next Steps

1. Confirm the list of issues above, identify priorities and determine BC and DFO subject matter experts
2. Monthly email updates on progress in bilateral consultations
3. Follow up BC -DFO meeting in 6-8 weeks time

Brad Fanos

Pacific Region Manager

Habitat Management Program

Ecosystem Management Branch (formerly OHEB)

Fisheries and Oceans Canada, Pacific Region

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<http://www.dfo-mpo.gc.ca/habitat/habitat-eng.htm>

---

**From:** Fanos, Brad  
**Sent:** September 21, 2012 4:32 PM  
**To:** Antcliffe, Bonnie  
**Cc:** Hwang, Jason  
**Subject:** FW: Comments on BC's meeting notes

Thanks Jason

Bonnie I have added my comments to this document with Jason's. Let me know if you would like to discuss prior to sending to Kevin, I think we have the key points covered.

<< File: Meeting w DFO Notes Sep4(2) notes.docx >>

Brad Fanos  
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**From:** Hwang, Jason  
**Sent:** September 21, 2012 3:20 PM  
**To:** Fanos, Brad  
**Subject:** Comments on BC's meeting notes

Hi Brad, I have put my comments on the BC meeting notes into the document. I think it could just go to them as is if you want to add any comments you have. I think Bonnie indicated she wanted to run this past Kevin before it goes back to BC, so I'm assuming that the next step is for you to add anything I didn't catch and then over to Bonnie so she can get Kevin's ok? Let me know if we need to discuss.

Jason Hwang  
Area Manager, Ecosystem Management Branch  
BC Interior Area  
Fisheries and Oceans Canada  
985 McGill Pl., Kamloops, BC V2C 6X6  
(250) 851 4870

## Paquin, Lisa C ENV:EX

---

**From:** Fanos, Brad [Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Tuesday, September 25, 2012 12:55 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** FW: Comments on BC's meeting notes  
**Attachments:** Meeting w DFO Notes Sep4(2) notes.docx

Brad Fanos  
Pacific Region Manager  
Habitat Management Program  
Ecosystem Management Branch (formerly OHEB)  
Fisheries and Oceans Canada, Pacific Region  
Phone: (604) 666-3909  
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<http://www.dfo-mpo.gc.ca/habitat/habitat-eng.htm>

---

**From:** Fanos, Brad  
**Sent:** September 25, 2012 12:48 PM  
**To:** Howard, Sara ENV:EX; Danks, Anthony ENV:EX  
**Cc:** Antcliffe, Bonnie  
**Subject:** RE: Comments on BC's meeting notes

Hi Lisa

Please see attached comments/suggestions from both Jason and I to improve the accuracy of the more detailed notes BC recorded.

<<Meeting w DFO Notes Sep4(2) notes.docx>>

Also, can you confirm the meeting summary that you would like to distribute to meeting participants. If I recall you were looking to share a basic outline of objectives/discussion points and next steps? Something like...

Kevin Stringer gave an overview of the Bill C-38 Fisheries Act changes indicating they are in the beginning stages of implementation with the most significant *Fisheries Act* changes will come into effect through regulations at a later date --they are working toward January 2013.

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4. Understand interests of other stakeholders (conservation groups, FN, etc.). Work on practical applications and discuss key concepts.

#### Actions and Next Steps

1. Confirm the list of issues above, identify priorities and determine BC and DFO subject matter experts
2. Monthly email updates on progress in bilateral consultations
3. Follow up BC -DFO meeting in 6-8 weeks time

Brad Fanos  
Pacific Region Manager  
Habitat Management Program  
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<http://www.dfo-mpo.gc.ca/habitat/habitat-eng.htm>

---

**From:** Fanos, Brad  
**Sent:** September 21, 2012 4:32 PM  
**To:** Antcliffe, Bonnie  
**Cc:** Hwang, Jason  
**Subject:** FW: Comments on BC's meeting notes

Thanks Jason

Bonnie I have added my comments to this document with Jason's. Let me know if you would like to discuss prior to sending to Kevin, I think we have the key points covered.

<< File: Meeting w DFO Notes Sep4(2) notes.docx >>

Brad Fanos  
Pacific Region Manager  
Habitat Management Program  
Ecosystem Management Branch (formerly OHEB)  
Fisheries and Oceans Canada, Pacific Region  
Phone: (604) 666-3909

e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

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<http://www.dfo-mpo.gc.ca/habitat/habitat-eng.htm>

---

**From:** Hwang, Jason  
**Sent:** September 21, 2012 3:20 PM  
**To:** Fanos, Brad  
**Subject:** Comments on BC's meeting notes

Hi Brad, I have put my comments on the BC meeting notes into the document. I think it could just go to them as is if you want to add any comments you have. I think Bonnie indicated she wanted to run this past Kevin before it goes back to BC, so I'm assuming that the next step is for you to add anything I didn't catch and then over to Bonnie so she can get Kevin's ok? Let me know if we need to discuss.

Jason Hwang  
Area Manager, Ecosystem Management Branch  
BC Interior Area  
Fisheries and Oceans Canada  
985 McGill Pl., Kamloops, BC V2C 6X6  
(250) 851 4870



Pages 237 through 244 redacted for the following reasons:

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s.13, s.16

## Paquin, Lisa C ENV:EX

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**From:** Fanos, Brad [Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Tuesday, September 25, 2012 12:44 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** RE: Environmental Assessment Changes

Hi Lisa

I will discuss with Bonnie and would say yes at the momemnt for the EA meeting.

Brad Fanos  
Pacific Region Manager  
Habitat Management Program  
Ecosystem Management Branch (formerly OHEB)  
Fisheries and Oceans Canada, Pacific Region  
Phone: (604) 666-3909  
e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

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**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** September 25, 2012 11:39 AM  
**To:** Fanos, Brad  
**Subject:** RE: Environmental Assessment Changes

Hi Brad, I noticed that Bonny has tentatively accepted to participate in this meeting. Are you comfortable proceeding on your own??  
Cheers, Lisa

-----Original Appointment-----

**From:** Fanos, Brad [<mailto:Brad.Fanos@dfo-mpo.gc.ca>]  
**Sent:** Tuesday, September 25, 2012 10:37 AM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** Accepted: Environmental Assessment Changes  
**When:** Friday, September 28, 2012 9:00 AM-10:00 AM (GMT-08:00) Pacific Time (US & Canada).  
**Where:** Dial in: 604-681-0260 Vancouver local / 1-877-353-9184 Toll Free - North America - Participant Conference ID:

s.17

## Paquin, Lisa C ENV:EX

---

**From:** Fanos, Brad [Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Saturday, September 1, 2012 12:19 PM  
**To:** Paquin, Lisa C ENV:EX; Hwang, Jason  
**Cc:** Danks, Anthony ENV:EX; Ennis, Kyleen; Howard, Sara ENV:EX; Wilson, Andrew S FLNR:EX  
**Subject:** RE: Federal Fisheries Act Changes - BC's initial questions and observations

Hi Lisa

Thank you this is helpful. See you on Sep 4.

Brad

-----Original Message-----

From: Paquin, Lisa C ENV:EX [mailto:Lisa.Paquin@gov.bc.ca]  
Sent: Thu 8/30/2012 10:02 AM  
To: Hwang, Jason; Fanos, Brad  
Cc: Danks, Anthony ENV:EX; Ennis, Kyleen; Howard, Sara ENV:EX; Wilson, Andrew S FLNR:EX  
Subject: Federal Fisheries Act Changes - BC's initial questions and observations

Hello Jason and Brad,

As a follow-up to our conversation last week, I am sharing BC's initial questions and observations on the federal Fisheries Act changes in advance of the September 4th meeting.

Cheers,  
Lisa Paquin  
Director  
IGR and External Relations Branch  
Strategic Policy Division  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: Lisa. [Paquin@gov.bc.ca](mailto:Paquin@gov.bc.ca)

## Paquin, Lisa C ENV:EX

---

**From:** Fanos, Brad [Brad.Fanos@dfo-mpo.gc.ca]  
**Sent:** Tuesday, August 21, 2012 1:15 PM  
**To:** Paquin, Lisa C ENV:EX; Hwang, Jason  
**Subject:** RE: C-38 Fed Fisheries Act - meeting Sept 4th

Hi Lisa

This would be good, Jason and I are available at 3:30 if that works on your end. See below for a teleconference line:

Teleconference- Toll-free Dial-in number 1 877-413-4781 Conf ID s.17

Thanks  
Brad

Brad Fanos  
Pacific Region Manager  
Habitat Management Program  
Ecosystem Management Branch (formerly OHEB)  
Fisheries and Oceans Canada, Pacific Region  
Phone: (604) 666-3909  
e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

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---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** August 21, 2012 10:59 AM  
**To:** Hwang, Jason; Fanos, Brad  
**Subject:** RE: C-38 Fed Fisheries Act - meeting Sept 4th

Hi Jason and Brad,

It would be great to have an initial conversation today about preparing for the 4<sup>th</sup>. Are one or both of you available this afternoon? I am open other than a 2-3pm meeting.

Cheers,  
**Lisa Paquin,**  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

---

**From:** Down, Ted ENV:EX  
**Sent:** Friday, August 17, 2012 4:26 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** 'Hwang, Jason'; 'Brad.fanos@dfo-mpo.gc.ca'  
**Subject:** C-38 Fed Fisheries Act - meeting Sept 4th

Hi Lisa- as per my voice mail, I had a short discussion with Brad and Jason who will be taking the lead for DFO Pacific Region on the upcoming discussions with the Province regarding changes to the federal Fisheries Act. I thought I could connect you via this e-mail.

Brad and Jason would like to have a pre-meeting discussion to better prepare for the September 4<sup>th</sup> session. I've identified you as our point of contact on this but feel free to draw on my staff who have operational experience with the FA to support you.

Peter Tschaplinski is back next week and Greg Wilson should both be around and have provided input to our analysis on the changes. Sorry I'm not around for the next couple weeks but will be there on the 4th.

Cheers-

**Ted Down**, Ph.D., RPBio  
Manager, Conservation Science  
Ecosystem Protection and Sustainability Branch  
Ministry of Environment  
PO Box 9338 Str Prov Govt  
Victoria, BC V8W 9M1  
Location: 4th Floor, 2975 Jutland Road, Victoria  
Phone: 250-387-9715 Fax: 250-356-9145  
e-mail: [Ted.Down@gov.bc.ca](mailto:Ted.Down@gov.bc.ca)

## Paquin, Lisa C ENV:EX

---

**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Monday, December 16, 2013 3:27 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** FW: DFO Fisheries Protection Program / MPO Programme de protection des pêches

---

**From:** Winfield, Nicholas  
**Sent:** December-12-13 10:43 AM  
**To:** Antcliffe, Bonnie; Loth-Bown, Christine; Daniel, Katerina; Walsh, Neil  
**Cc:** Hwang, Jason; Phelps, Anne; Hopky, Glen  
**Subject:** FW: DFO Fisheries Protection Program / MPO Programme de protection des pêches

The following letter was sent to the FPP e-mail account and will require a formal response.

I am forwarding to Ministerial Correspondence in order to track and to Intergovernmental Affairs for your information.  
I suspect this will also arrive via hardcopy.

I will ask those on the cc line to work together to draft a response.

Nicholas Winfield

Director | Directeur  
Fisheries Protection Policy | Politique sur la protection des pêches  
Ecosystem Programs Policy | Politiques sur les Programmes des Écosystèmes  
Fisheries and Oceans Canada | Pêches et Océans Canada  
8N205; 200 Kent Street, Ottawa, Ontario, Canada K1A 0E6  
Tel/Fax: (613) 990-2574 / (613) 993-7493  
Government of Canada | Gouvernement du Canada

---

**From:** Minister, ENV ENV:EX [<mailto:ENV.Minister@gov.bc.ca>]  
**Sent:** December-10-13 7:45 PM  
**To:** XNCR, FPP-PPP  
**Subject:** RE: DFO Fisheries Protection Program / MPO Programme de protection des pêches

Reference: 199213

*December 10, 2013*

The Honourable Gail Shea, PC, MP  
Minister of Fisheries and Oceans  
Email: [FPP-PPP@dfo-mpo.gc.ca](mailto:FPP-PPP@dfo-mpo.gc.ca)

Dear Minister:

Thank you for your email of October 29, 2013, regarding the Government of Canada's Fisheries Protection Program.

I appreciate the opportunity to comment on the Fisheries Protection Policy Statement and the Fisheries Protection Program's operational approach. British Columbia (BC), through a natural resource working group led by the Ministry of Environment, has provided substantive comments directly to Fisheries and Oceans Canada (DFO) on earlier versions of these documents. We will continue to review these versions and provide comments as necessary.

British Columbia has been diligent in providing written responses in great detail since the beginning of DFO engagement on *Fisheries Act* changes. We are awaiting responses to a number of questions we have raised in the last 16 months. In order to meaningfully contribute to the ongoing development of policies and regulations in support of the *Fisheries Act*, BC would like a written response to these outstanding questions, as discussed with DFO's regional and national Fisheries Protection Program staff.

I appreciate that the sustainability of aquatic ecosystems is a shared responsibility between federal and provincial agencies. We await your response so that we may ensure a meaningful and continued collaboration.

Thank you again for writing and providing me with the Fisheries Protection Program materials.

Sincerely,

Mary Polak  
Minister

cc: Honourable Bill Bennett, Minister of Energy and Mines  
Honourable Pat Pimm, Minister of Agriculture  
Honourable Todd Stone, Minister of Transportation and Infrastructure  
Honourable Steve Thomson, Minister of Forests, Lands and Natural Resource Operations

---

**From:** XNCR, FPP-PPP [<mailto:FPP-PPP@DFO-MPO.GC.CA>]

**Sent:** Tuesday, October 29, 2013 8:57 AM

**To:** Minister, ENV ENV:EX

**Cc:** Shoemaker, Wes ENV:EX

**Subject:** DFO Fisheries Protection Program / MPO Programme de protection des pêches

Dear Minister,

As you are aware, our Government announced its intention to amend the *Fisheries Act* in Economic Action Plan 2012. These changes streamline administrative processes while strengthening environmental and fisheries protection.

As part of our ongoing efforts to engage with partners on the forthcoming Fisheries Protection Program, I am pleased to provide you with the following documents:

- The Fisheries Protection Policy Statement, which sets out the vision and the guiding principles for the administration of the amended *Fisheries Act*; and



- The Fisheries Protection Program's operational approach, which will provide details on how Fisheries and Oceans Canada (DFO) will implement the new policy.

I welcome your suggestions on ways to further streamline our administrative processes while ensuring the sustainability and ongoing productivity of our fisheries. Please send your comments to

[FPP-PPP@dfo-mpo.gc.ca](mailto:FPP-PPP@dfo-mpo.gc.ca).

If you have questions or wish to request an in-person meeting, please contact Steve Burgess at 613-993-8605 or by email at [steve.burgess@dfo-mpo.gc.ca](mailto:steve.burgess@dfo-mpo.gc.ca).

Sincerely,

The Honourable Gail Shea

Minister of Fisheries and Oceans

<<Final Policy Statement (EN) Oct29.pdf>> <<FPP Operational Approach -final.pdf>>

-----  
Chère Madame la Ministre,

Comme vous le savez, notre gouvernement a annoncé son intention à apporter des amendements à la *Loi sur les pêches* dans le cadre du Plan d'action économique 2012. Les amendements permettent d'augmenter l'efficacité du processus administratif tout en renforçant la protection des pêches et de l'environnement.

Dans le cadre de nos efforts d'engagement avec nos partenaires au sujet du nouveau Programme de protection des pêches, il me fait plaisir de vous envoyer les documents suivants :

- L'Énoncé politique sur la protection des pêches qui explique notre vision et les principes directeurs pour l'administration de la nouvelle *Loi sur les pêches*; et
- L'approche opérationnelle du Programme de protection des pêches, qui explique comment Pêches et Océans Canada appliquera la nouvelle politique.

Toutes suggestions sur les mesures supplémentaires pour améliorer l'administration du programme tout en assurant la durabilité et la productivité continue de nos pêches sera le bienvenu. Veuillez envoyer vos commentaires au [FPP-PPP@dfo-mpo.gc.ca](mailto:FPP-PPP@dfo-mpo.gc.ca).

Si vous avez des questions, ou si vous aimerez une rencontre, veuillez contacter Steve Burgess au 613-993-8605, ou par courriel au [steve.burgess@dfo-mpo.gc.ca](mailto:steve.burgess@dfo-mpo.gc.ca).

Salutations sincères

L'honorable Gail Shea

Ministres des Pêches et des Océans

<<PPP Approche opérationnelle -finale.pdf>> <<Policy Statement FR (Oct29).pdf>>

## Paquin, Lisa C ENV:EX

---

**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, December 12, 2013 4:49 PM  
**To:** Witt, Andy FLNR:EX; Marshall, Vicki FLNR:EX  
**Cc:** Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Subject:** CRA fishery - recreational fishery interpretation question

Hi Andy and Vicki. DFO has received a question from an environmental consultant about what species require provision for fish passage. The consultant has provided his understanding of the provincial view and has asked if that is consistent with the new Fisheries Act. I have provided a summary view on this below. I would like to discuss this with the appropriate people from BC to see if we can come up with a suitable way to address the issue. There was no specific timeline described when the question was posed to DFO, but this appears to be something that requires a discussion as soon as we can. Have a look at this and let me know what you think. Jason

- Fish that are part of commercial, recreational or Aboriginal fisheries are interpreted in the DFO Fisheries Protection Policy Statement to be those fish that fall within the scope of applicable federal or provincial fisheries regulations as well as those that can be fished by Aboriginal organizations or their members for food, social or ceremonial purposes or for purposes set out in a land claims agreement.
- The idea presented as the view of BC in the Peace is understood by DFO as it comes from guidance developed previously under the BC Forest Practices Code, however, this guidance is inconsistent with the DFO Policy Statement based on the current interpretation of the application of the fisheries regulations in BC.
- In addition, the view that is presented does not address consideration for aboriginal fisheries and does not consider potential effects to fish that support CRA fisheries.
- DFO and BC are currently having discussions on whether the fishery regulations in BC appropriately scope the fisheries that BC wants to manage. These discussions may result in additional interpretive guidance, but this is expected to take some time to develop.
- In conclusion, from a DFO perspective, the appropriate interpretation of a CRA fishery is the one that is described in the Fisheries Protection Policy Statement. This view attributed to BC in the Peace is not consistent with DFO's Policy Statement, and is not appropriate for determining whether the Fisheries Act S 35 prohibition applies.

**Sent:** December-05-13 5:00 PM  
**To:** Hwang, Jason  
**Subject:** Changes to the Fisheries Act

Hi Jason, I listened in on your teleconference last week when you were summarizing the recent changes to the DFO Fisheries Act and policies for the IPP group. I was hoping that you might be able to clarify a quick question for me on that topic?

As far as fish passage is concerned for stream crossings, is DFO only concerned with recreational/commercial/aboriginal fish species? We are hearing from the province (the Peace in particular), that they only consider a fish to be that as defined as follows:

"It has been our practice to use the definition of fish stream as cited under the *Forest and Range Practices Act* (Forest Planning and Practices Regulation) which states:

"fish stream" means a watercourse that

(a) is frequented by any of the following species of fish:

- (i) anadromous salmonids;
- (ii) rainbow trout, cutthroat trout, brown trout, bull trout, Dolly Varden char, lake trout, brook trout, kokanee, largemouth bass, smallmouth bass, mountain whitefish, lake whitefish, arctic grayling, burbot, white sturgeon, black crappie, yellow perch, walleye or northern pike;
- (iii) a species identified as a species at risk;

(iv) a species identified as regionally important wildlife. "

So in summary, can you confirm that non recreational/commercial/aboriginal fish species will not be covered under the Fisheries Act and that any direction concerning these species should come from the province?

Your insight is much appreciated on this matter.

## Paquin, Lisa C ENV:EX

---

**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, November 29, 2013 9:27 AM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Carswell, Barron AGRI:EX; Feyrer, Laura ENV:EX; Brad.Fanos@dfo-mpo.gc.ca  
**Subject:** RE: Consultation Sessions

Hi Lisa, Barron and Laura. Brad Fanos is going to coordinate with Barron on these questions as they are more operationally oriented so he will be better positioned to lead those discussions than I am. I will join in on the call if I am able to but if I am not we don't think it is essential for me to be there. I am not sure if Brad and Barron might have connected on this already, but if they haven't, maybe you can propose a time next week that works for you. Cheers. Jason.

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** November-28-13 3:38 PM  
**To:** Hwang, Jason  
**Cc:** Carswell, Barron AGRI:EX; Feyrer, Laura ENV:EX  
**Subject:** Consultation Sessions

Hi Jason,

Thank you very much for the extending the invitation to the province to listen in on your DFO consultations this week. We found it very interesting and informative to hear the presentations and the questions that were being asked – nice was nice to hear others perspectives.

In speaking with Barron today he mentioned that he is interested in following up with you on some of the items raised on the call. I believe he mentioned authorization and ensuring our processes are coordinated. We would be very interested in being part of this discussion and we have a few other questions as well. Are you available next week for an hour to go over some these with us? Let me know if you have a sometime available and we can coordinate the teleconference and provide you with the questions in advance. Cheers, Lisa

## Paquin, Lisa C ENV:EX

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, November 22, 2013 7:12 PM  
**To:** Witt, Andy FLNR:EX  
**Cc:** Pulvermacher, Holly; Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Subject:** RE: draft agenda for BC-DFO discussion next week

Hi Andy. I would also propose one more agenda item:

- BC interest in contributing to DFO regulatory decisions; marine habitat/FW salmon habitat/FW non-salmon habitat

I will call you Monday. I might be a bit late for our 3:00 start time as I have a session running right to then. I will call you as soon as I am available.

Jason

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**From:** Hwang, Jason  
**Sent:** November-21-13 5:33 PM  
**To:** Andy Witt ([andy.witt@gov.bc.ca](mailto:andy.witt@gov.bc.ca))  
**Cc:** Pulvermacher, Holly; Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Subject:** draft agenda for BC-DFO discussion next week

Hi Andy. Here is a draft agenda for Monday next week as per my task from our last call. Feel free to suggest any changes.

1. Orientation to documents on DFO website – (we are expecting some new material in the next day or so)
2. CRA fish interpretation – what is in DFO Policy, BC's view, is there any urgent attention needed here?
3. Serious Harm interpretation and application, what is in DFO Policy, BC's view, is there any urgent attention needed here?
4. Fisheries Act Intersection with provincial regulatory business - is there any urgent attention needed here?
5. Existing arrangements, guidance and agreements. Anything urgent? Approach to review?
6. Fishery Management Objectives - BC's view, is there any urgent attention needed here?
7. How to orient provincial staff to the changes (who needs to know what, priority for communicating – is anything urgent, best approach, action plan)

In the course of this, I think we will have the ability to include the majority of issues raised by BC in correspondence to DFO. If there are particular points you would like to see us discuss, feel free to add them.

I am open to any other suggestions, or a different approach to the agenda.

jason

## Paquin, Lisa C ENV:EX

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, November 21, 2013 5:33 PM  
**To:** Witt, Andy FLNR:EX  
**Cc:** Pulvermacher, Holly; Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Subject:** draft agenda for BC-DFO discussion next week

Hi Andy. Here is a draft agenda for Monday next week as per my task from our last call. Feel free to suggest any changes.

1. Orientation to documents on DFO website – (we are expecting some new material in the next day or so)
2. CRA fish interpretation – what is in DFO Policy, BC's view, is there any urgent attention needed here?
3. Serious Harm interpretation and application, what is in DFO Policy, BC's view, is there any urgent attention needed here?
4. Fisheries Act Intersection with provincial regulatory business - is there any urgent attention needed here?
5. Existing arrangements, guidance and agreements. Anything urgent? Approach to review?
6. Fishery Management Objectives - BC's view, is there any urgent attention needed here?
7. How to orient provincial staff to the changes (who needs to know what, priority for communicating – is anything urgent, best approach, action plan)

In the course of this, I think we will have the ability to include the majority of issues raised by BC in correspondence to DFO. If there are particular points you would like to see us discuss, feel free to add them.

I am open to any other suggestions, or a different approach to the agenda.

jason



## Paquin, Lisa C ENV:EX

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, November 21, 2013 5:26 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** RE: DFO engagement sessions

Do you want me to send direct to Baron, Larry, Vickie and Laura and copy you? I have it all ready to send over.

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**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** November-21-13 5:24 PM  
**To:** Hwang, Jason  
**Cc:** Feyrer, Laura ENV:EX  
**Subject:** Re: DFO engagement sessions

Thx Jason, it would be great if you could copy the meeting invites when you send out the call details next week. Cheers,  
Lisa

---

**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Thursday, November 21, 2013 05:11 PM Pacific Standard Time  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Feyrer, Laura ENV:EX  
**Subject:** RE: DFO engagement sessions

Hi Lisa and Laura. Should I copy the meeting invites for next week to Barron, Vickie, Larry and Laura for the respective meetings, or do you want me to send them through you guys?

Here is a list of who the Industry Group represents - I don't have many confirmations back yet so I am not sure who will actually come. There has been strong attendance in previous sessions.

- BC Hydro
- Clean Energy BC
- Innergex
- BC Mining Association
- Interfor
- Trans Canada Pipelines
- Port Metro Vancouver
- BC Business Council
- RioTintoAlcan

- Coast Forest Products Assoc
- COFI
- Ecofish Research
- Stantec

-----Original Message-----

From: Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
Sent: November-21-13 3:04 PM  
To: Hwang, Jason  
Cc: Feyrer, Laura ENV:EX  
Subject: RE: DFO engagement sessions

Hi Jason, no worries if we aren't able to join the Clean Energy BC discussion. We have folks who are interested in listening to the engagement sessions next week so if you could forward along the dial in details. We have indicated that we are "listening" to the discussions.

Would you also be able to give us an idea of which organizations will be participating in the "industry group" on Wednesday afternoon?

Monday - Barron Carswell and Vickie Marshall Tuesday - Wednesday morning - Larry and Laura Wednesday afternoon - tbd

Cheers,

Lisa Paquin, Director

IGR and External Relations Unit

Strategic Policy Division

B.C. Ministry of Environment

Ph: 250-387-9661

Email: Lisa. [Paquin@gov.bc.ca](mailto:Paquin@gov.bc.ca)

-----Original Message-----

From: Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]

Sent: Wednesday, November 20, 2013 1:38 PM

To: Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX; Witt, Andy FLNR:EX

Subject: RE: DFO engagement sessions

That meeting is being hosted by Clean Energy BC in their offices. I will ask if a conference line is an option. I will let you know. Jason

-----Original Message-----

From: Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]

Sent: November-20-13 12:32 PM

To: Hwang, Jason; Feyrer, Laura ENV:EX; Witt, Andy FLNR:EX

Subject: RE: DFO engagement sessions

Thank you Jason, we are definitely interested and would appreciate the dial-in information. I am assuming dial-in isn't an option for the Tuesday face-to face meeting. Cheers,Lisa

-----Original Message-----

From: Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]

Sent: Tuesday, November 19, 2013 3:54 PM

To: Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX; Witt, Andy FLNR:EX

Subject: DFO engagement sessions

Hi everyone. BC is welcome to join DFOs external engagement sessions next week. Here is our plan:

Monday afternoon 1:30 to 4 (PSF, BCWF, BCCF) 2 or 3 will join in person in Vancouver and 2 or 3 on conf call.

Tuesday afternoon (Clean Energy BC). Meeting in Vancouver 1:30 to 4:00

Wednesday Morning (Marine Conservation Caucus) conference call 10:00 to

12

Wed afternoon 130 - 4:00 (meet in Vancouver + conf call) industry group

I can send along more details later this week.

Jason

## Paquin, Lisa C ENV:EX

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, November 21, 2013 4:56 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** CCFAM session next week

Hi Lisa, I expect you may already have this information, but here is what has been shared with me for the CCFAM session next week in case it helps BC with any preparations. At this point I have not seen the specific supporting documents that will be used. If you would like to discuss any of this let me know. Jason.

- Working Session on Fisheries Protection Policy Statement and Fisheries Investment Policy  
(*Nicholas Winfield, Ecosystems and Fisheries Management, Fisheries and Oceans Canada*)
- Working Session on Fisheries Protection Program's operational framework.  
(*Chad Ziai, Ecosystems and Fisheries Management, Fisheries and Oceans Canada*)
- Working Session on Fisheries Protection Program's self-assessment tool.  
(*Chad Ziai, Ecosystems and Fisheries Management, Fisheries and Oceans Canada*)
- Working Session on consideration of commercial, recreational, and aboriginal fisheries and fisheries management objectives.  
(*Nicholas Winfield, Ecosystems and Fisheries Management, Fisheries and Oceans Canada*)
- Roundtable: Discuss agenda items and outcomes for next IFC call in 6 weeks (proposed January 9, 2014, 13:00 – 14:00 EST).

To ensure that Committee members come prepared to the meeting, Nic's team is developing, for each working session, a list of reference material for them to read prior to meeting. We are hoping that this will allow P/Ts members to identify key issues, questions and even share suggestion/best practices.

## Paquin, Lisa C ENV:EX

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Wednesday, November 20, 2013 1:38 PM  
**To:** Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX; Witt, Andy FLNR:EX  
**Subject:** RE: DFO engagement sessions

That meeting is being hosted by Clean Energy BC in their offices. I will ask if a conference line is an option. I will let you know. Jason

-----Original Message-----

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** November-20-13 12:32 PM  
**To:** Hwang, Jason; Feyrer, Laura ENV:EX; Witt, Andy FLNR:EX  
**Subject:** RE: DFO engagement sessions

Thank you Jason, we are definitely interested and would appreciate the dial-in information. I am assuming dial-in isn't an option for the Tuesday face-to face meeting. Cheers, Lisa

-----Original Message-----

**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Tuesday, November 19, 2013 3:54 PM  
**To:** Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX; Witt, Andy FLNR:EX  
**Subject:** DFO engagement sessions

Hi everyone. BC is welcome to join DFOs external engagement sessions next week. Here is our plan:

Monday afternoon 1:30 to 4 (PSF, BCWF, BCCF) 2 or 3 will join in person in Vancouver and 2 or 3 on conf call.

Tuesday afternoon (Clean Energy BC). Meeting in Vancouver 1:30 to 4:00

Wednesday Morning (Marine Conservation Caucus) conference call 10:00 to 12

Wed afternoon 130 - 4:00 (meet in Vancouver + conf call) industry group

I can send along more details later this week.

Jason

## Paquin, Lisa C ENV:EX

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Wednesday, November 20, 2013 10:51 AM  
**To:** Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Subject:** FW: question from BC

Hi Lisa and Laura. Here is a bit of information from Nick Winfield on the session next week. As you will see in Nick's note, you are welcome to connect with Nick if you want to discuss any details, or Travis Ripley from Alberta. You are also welcome to follow up on anything with me if you think I can help. Jason.

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**From:** Winfield, Nicholas  
**Sent:** November-20-13 10:25 AM  
**To:** Hwang, Jason  
**Cc:** Antcliffe, Bonnie; Trudeau, Miriam  
**Subject:** RE: question from BC

Jason:

There is an Inland Fisheries Committee meeting under CCFAM on Nov 28<sup>th</sup> in Ottawa. We will spend half a day on Fisheries Protection issues. It would be great if BC was present.

By way of cc ask Miriam to send you an agenda.

Any of your BC colleagues can call me to discuss. They can also contact the Co-chair Travis Ripley from Alberta if they want a provincial perspective on the meeting.

Nicholas Winfield

Director | Directeur  
Fisheries Protection Policy | Politique sur la protection des peches  
Ecosystem Programs Policy | Politiques sur les Programmes des Écosystèmes  
Fisheries and Oceans Canada | Pêches et Océans Canada  
8N205; 200 Kent Street, Ottawa, Ontario, Canada K1A 0E6  
Tel/Fax: (613) 990-2574 / (613) 993-7493  
Government of Canada | Gouvernement du Canada

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**From:** Hwang, Jason  
**Sent:** November-20-13 12:33 PM  
**To:** Winfield, Nicholas  
**Cc:** Antcliffe, Bonnie  
**Subject:** question from BC

Hi Nick. I had a call with Lisa Paquin, Laura Feyrer and Andy Witt from BC yesterday. Lisa asked if I had any insight into a face to face meeting that has been called in Ottawa next week. BC is trying to understand the nature of the session so they know whether it is important to send anyone, and if they do, to get the right person or people there. Can you provide any information on this? Thanks

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Wednesday, November 20, 2013 9:37 AM  
**To:** Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Subject:** follow up from yesterday

Hi Lisa and Laura. Can one of you help with your question about invasive species. I recall it was generally around the connection between the work on the AIS regulation and the Fisheries Act changes coming into force, but I can't recall exactly what the questions was.

I have as a separate issue your point about federal support for zebra/quagga mussel invasive support.

Thanks. Jason.



**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Tuesday, November 19, 2013 3:54 PM  
**To:** Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX; Witt, Andy FLNR:EX  
**Subject:** DFO engagement sessions

Hi everyone. BC is welcome to join DFOs external engagement sessions next week. Here is our plan:

Monday afternoon 1:30 to 4 (PSF, BCWF, BCCF) 2 or 3 will join in person in Vancouver and 2 or 3 on conf call.

Tuesday afternoon (Clean Energy BC). Meeting in Vancouver 1:30 to 4:00

Wednesday Morning (Marine Conservation Caucus) conference call 10:00 to 12

Wed afternoon 130 - 4:00 (meet in Vancouver + conf call) industry group

I can send along more details later this week.

Jason

## Paquin, Lisa C ENV:EX

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, November 15, 2013 3:44 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** RE: Voice Message Follow-up

Hi Lisa – thanks for the reply. My inquiry was with regard to connecting with Andy. I emailed him last week, and I followed up with a call this week and so far I have not heard back. I was just wondering if you knew if he has been away or otherwise occupied? I am not meaning to be pushy or anything like that, I just wanted to follow up with you to see if there was something I wasn't aware of in terms of Andy's availability.

In terms of other follow up, I am reasonably available next week. I am tied up Monday until about 2:00, but fairly open otherwise. Do you want to send a meeting invite for a time that works for you?

Thanks. Jason

---

**From:** Paquin, Lisa C ENV:EX [mailto:Lisa.Paquin@gov.bc.ca]  
**Sent:** November-15-13 3:37 PM  
**To:** Hwang, Jason  
**Cc:** Feyrer, Laura ENV:EX  
**Subject:** Voice Message Follow-up

Hi Jason,

Thank you very much for the voice message today. I am sorry I wasn't able to follow-up.

Laura and I would like to set up at time to speak with you next week. I understand that you and Laura have had a follow-up discussion since the last call and one of the items discussed was the operational and strategic level follow-up. Have you been able to touch base with Andy on the operational piece? I also understand you have agreed to prepare an outline of the Strategic discussion based on DFO's interests. We are still in the process of reviewing all the materials and will also want to contribute to the outline from BC's perspective –

s.16

s.16 One of the other pieces of follow-up was to check in with you to see if the meeting summary and follow-up items reflected your understanding of the discussion.

Is there a good day that works for you next week.

s.22

I am around all week. Cheers, Lisa

Pages 267 through 271 redacted for the following reasons:

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'Not Responsive'

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Wednesday, November 6, 2013 1:09 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Feyrer, Laura ENV:EX  
**Subject:** RE: participation today

Hi Lisa and Laura. I am pretty sure we will have the following:

Bonnie Antcliffe – Regional Director

Brad Fanos – Regional Habitat Manager

Holly Pulvermacher – A/Manager Partnerships, Standards, Guidelines

Mike Engelsjord – Manager Project Review (Triage) Unit

Me

Al Magnan – is Acting in our other Regional Habitat Manager position but he is not available today

We may have a couple of others listening in for context – Joanne Lawrence from our Policy group in Vancouver (this group is our PFAC and CCFAM lead) and maybe Adam Silverstein who is in the same status as me – floating and helping with various FPP things.

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**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** November-06-13 12:52 PM  
**To:** Hwang, Jason  
**Cc:** Feyrer, Laura ENV:EX  
**Subject:** participation today

Hi Jason,

I meant to ask you when we spoke who will be participating from DFO on the call today.

I will also start off with quick summary of the DFO ADM call today, which will be a nice lead in to your piece. Cheers, Lisa

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Wednesday, November 6, 2013 9:00 AM  
**To:** Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Subject:** DFO info

Hi Lisa and Laura. I am writing to give you a quick heads up that the DFO National webpage has been updated this morning with Fisheries Protection Program information. I expect that a more official communication will follow, but I thought I would direct you to this so that you can pass it on to folks that will be on the call this afternoon.

On the DFO webpage, go to the ecosystems tab, the working near water heading, and click the "more" link. On this page you will see the following:

- The Fisheries Protection Policy
- The Operational Approach
- Guidance for existing and new authorizations
- An overview of changes to the Fisheries Act.

I think you have seen most of this information already. In my scan this morning, the points that I think will be new to you are:

- There is a statement that the changes to the Fisheries Act will come into force November 25.
- The guidance for existing and new authorizations.

As noted above, there will probably be something more formal to follow. Feel free to call if you have any questions.  
Jason.

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Tuesday, November 5, 2013 4:44 PM  
**To:** Feyrer, Laura ENV:EX; Paquin, Lisa C ENV:EX  
**Subject:** DFO meetings

Hi Laura and Lisa. Two quick things. First is a reminder to send me teleconference information for our call tomorrow. The second is looking forward a bit in terms of possible scheduling for follow up meetings. DFO is probably tied up for most of next week, but we likely have Friday available if BC wants to get together that quickly. If you are thinking about waiting longer, things are more open the week after (Nov 18 week) and beyond, but we expect things to start filling in our schedules fairly quickly once information is released. It may be worth considering blocking a day for follow up meetings even tentatively so we have something set aside. This is just something for you to consider.

Talk to you tomorrow. Jason

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, November 1, 2013 4:19 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** call on Wednesday Nov 6

Hi Lisa. As per our chat this morning DFO would be good for a call on the afternoon of Nov 6. Let me know when you are able to confirm on your end and I will coordinate on the DFO side. Jason



**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, November 1, 2013 9:57 AM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** Re: Fisheries follow-up discussion

Hi Lisa. This should be fine. Jason

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** Friday, November 01, 2013 12:52 PM Eastern Standard Time  
**To:** Hwang, Jason  
**Subject:** Fisheries follow-up discussion

When: Friday, November 1, 2013 11:15 AM-11:30 AM (GMT-08:00) Pacific Time (US & Canada).  
Where: Lisa to phone Jason (250 318 4225)

Note: The GMT offset above does not reflect daylight saving time adjustments.

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**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, October 31, 2013 1:54 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** RE: draft agenda

Ok – send me a meeting invite for a time that works for you. You can call me on my cell s.17 or I can call you. Jason

---

**From:** Paquin, Lisa C ENV:EX [mailto:Lisa.Paquin@gov.bc.ca]  
**Sent:** October-31-13 12:33 PM  
**To:** Hwang, Jason  
**Subject:** Re: draft agenda

I'll have time tomorrow. I am in meetings all day today. Cheers, Lisa

---

**From:** Hwang, Jason [mailto:Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, October 31, 2013 12:09 PM Pacific Standard Time  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** RE: draft agenda

Hi Lisa, it might be good if we have a quick call. Let me know if you have time today or tomorrow. Jason.

---

**From:** Paquin, Lisa C ENV:EX [mailto:Lisa.Paquin@gov.bc.ca]  
**Sent:** October-31-13 9:35 AM  
**To:** Hwang, Jason  
**Subject:** Re: draft agenda

I would like to know all parties if possible. Thx, Lisa

---

**From:** Hwang, Jason [mailto:Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, October 31, 2013 09:19 AM Pacific Standard Time  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** RE: draft agenda

Hi Lisa. Are you wondering who in the BC Gov't or all parties in BC?

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**From:** Paquin, Lisa C ENV:EX [mailto:Lisa.Paquin@gov.bc.ca]  
**Sent:** October-30-13 4:57 PM  
**To:** Hwang, Jason; Feyrer, Laura ENV:EX  
**Subject:** RE: draft agenda

Thank you for your note Jason, we appreciate the update. If the information is available, it would be great to know who in BC was sent a copy of the documents. Cheers, Lisa

---

**From:** Hwang, Jason [mailto:Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Wednesday, October 30, 2013 4:23 PM  
**To:** Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Subject:** draft agenda

Hi Lisa and Laura. I have done up a draft for a meeting agenda but we are still sorting it out - with the Policy etc being circulated yesterday we are working to clarify where things are at. I will get it to you shortly once we get sorted on our end. Jason.

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Monday, October 28, 2013 4:03 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** RE: DFO-BC Touch Base

Great. I will call then. Jason

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** 2013-October-28 4:02 PM  
**To:** Hwang, Jason  
**Subject:** RE: DFO-BC Touch Base

No problem Jason. My number is below. Cheers, Lisa

*Lisa Paquin*, Director  
IGR and External Relations Unit  
Strategic Policy Division  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

-----Original Appointment-----

**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Monday, October 28, 2013 4:00 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** Accepted: DFO-BC Touch Base  
**When:** Tuesday, October 29, 2013 3:30 PM-4:00 PM (GMT-08:00) Pacific Time (US & Canada).  
**Where:** Via telephone - Lisa to phone Jason

Hi Lisa. This should work for me – is it ok if I call you? I won't be in my office so it will probably work better if I call you. Jason

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Monday, October 28, 2013 2:10 PM  
**To:** Feyrer, Laura ENV:EX; Paquin, Lisa C ENV:EX  
**Subject:** touch base

Hi Laura and Lisa. It has been a few weeks since we have spoken and I thought I would try to connect with you. While there is nothing particularly new on our end of things, I thought it might be good to connect. Do you have any time this week? Jason

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, October 10, 2013 9:48 AM  
**To:** Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Cc:** Brad.Fanos@dfo-mpo.gc.ca; Magnan, Alain; Pulvermacher, Holly  
**Subject:** DFO List of Agreements etc.  
**Attachments:** AGREEMENTS FEB 28 2013 (JH edits).xls

Hi Lisa and Laura. Following from our last conference call, DFO had committed to providing you with the list of agreements etc. that we have been assembling. I have attached that list here. It is important to note that this is an informal assembly of information and as you will see, it contains a very broad range of things from very formal agreements signed of at Ministerial levels to fairly informal arrangements. I expect we will be able to discuss this further the next time we meet. Jason

	Status	Year	Author(s) / Signatories	Externally Avail?	Geographic Area of Application	
Key Legislation						
Mackenzie Valley Resource Management Act	Active			Yes	BC-Mackenzie Valley	Regulatory Process Obligations
Yukon Environmental and Socioeconomic Assessment Act	Active		Yukon	Yes	Yukon	Regulatory Process Obligations
(BC) Environmental Assessment Act	Active			Yes	BC	Regulatory Process Obligations
Key Regulations						
Riparian Areas Regulation	Active	2004	DFO, MOE		BC	Establishes standards for the determination of appropriate Streamside Protection and Enhancement Areas, DFO Administrative Obligations
Fisheries Act Regulations	Active	2012	BC	Yes	BC	
Yukon Fishery Regulations	Active		Yukon	Yes	Yukon	
BC Fishery Regulations	Active		BC	Yes	BC	
Streamside Protection Bylaws**	Active		Local Governments		BC-Municipal	
Prescribed Time Limits Regulation (BCEAA)	Active	2002			BC	
Reviewable Projects Regulations (BCEAA)	Active	2002			BC	
Spill Reporting Regulation	Active	2008	BC	Yes	BC	
Assessable Activities, Exception & Executive Committee Projects Regulations	Active	2012	GOC	Yes	Yukon	YESAA Related
Decision Body Time Periods & Consultation Regulations	Active	2012	GOC	Yes	Yukon	YESAA Related; Regulatory Process and Review Timeline Obligations
Informal/Formal Agreements						
DFO						
Regional						
Pacific North Coast Integrated Management Plan (PNCIMA)				No	NCA	
Province of BC (Province is partner in many other multi-stakeholder partnerships)						
Intergovernmental Cooperation Agreement Respecting the Implementation of BC Riparian Areas Regulation	Active		BC/DFO/UBCM	Yes	BC	commits DFO to regulatory and administrative role in RAR process
Canada-BC Fish Habitat Management (2000)	Active			Yes	BC	no meaningful commitments to date, stagnant at this time
Canada-BC Agreement on Environmental Assessment Cooperation (2004)				Yes	BC	
Canada-BC Water Quality Monitoring Agreement (1985)				Yes	BC	
DFO (North Coast) and Forestry Agencies MOU Regarding Whales	Expired			Yes	NCA	May not be expired - indication that this has continued in perpetuity, requested updated copy from the North Coast Nov.29/12
Yukon Government						
Yukon Placer Record of Agreement	Active			Yes	Yukon	
An Integrated Regulatory Regime for Yukon Placer Mining	Active			Yes	Yukon	



	Yukon Final Umbrella Agreement - Yukon First Nations	Active			Yes	Yukon	
	Interim Operational Working Arrangement on Enforcement of Section 36(3) Fisheries Act between Environment Canada and Department of Fisheries and Oceans Pacific and Yukon (2006)	Active	2006		Yes	Yukon	
	Environment Canada Pacific and Yukon Interim Guidance for Addressing Water Quality for Work in and Around Water (2008)	Active	2008		Yes	Yukon	
	Letter of Understanding Concerning Government Response to Spills in the Yukon	Active	2004	DFO-Multiple branches of Yukon Gov't, and Fed Depts	Yes	Yukon	
<b>Other Agencies</b>							
	Memorandum of Understanding between Fisheries and Oceans Canada and Environment Canada on the Subject of the Administration of Section 36(3) of the Fisheries Act (1985)	Active	1985		Yes		
	Letter of Agreement: Lower Fraser River Gravel Removal Plan (2004)	Expired, 2009	2004-2009				
	Agreement with PWGSC	Expired, intent still met					still adhered to
	Emergency Works Protocol - Highways	Active	2011	Smithers DFO-MoT-BC Water Branch	yes	North Coast, Smithers - North	North Coast Area - Highway 97 (plus?); requested copy from North Coast Nov 29/12
	Highway 97 Maintenance Agreement	Active	1999	MoT, Billabong Maintenance Contractors, DFO-Smithers	yes	North Coast - Smithers North	
<b>Local Government</b>							
	Memorandum of Understanding on Fish Habitat Management between the Federation of Canadian Municipalities (FCM) and the Department of Fisheries and Oceans Canada (DFO)	unknown	2010 (?)	DFO-FCM	Yes	National	Reviewable after 3 years
<b>First Nations (Intended to capture direct</b>							
	Nisga'a Final Treaty						
	Add'l						
<b>Industry</b>							
	MOU between the Canadian Electricity Association and Fisheries and Oceans Canada	Active				National	
	Protocol Agreement for Maintenance Work in and Around Water Associated with BC Hydro and BCTC Infrastructure	Active	2009	BCH/BCTC/DFO/MoE			series of related Approved Work Practices - if met, only notification
	Compliance Protocol between BC Hydro/DFO/MoE	Active		BCH/BCTC/DFO/MoE		BC	
	Various Habitat Banking Agreements				Yes		

	Settlement Agreement for Water Flows for the Nechako - Alcan	Active		DFO-Alcan-MoE	Yes	Nechako	
	Memorandum of Agreement for the Management of Select Coal Mining Impacts on Fish and Fish Habitat within the Elk Valley, BC	Under Development?	2011	DFO-Elk Valley Coal	Yes		
	Fish Entrainment Strategy	Active	2005	DFO, BC Hydro, MoE	Yes		
<b>Key Standards</b>							
	CP Rail Routine Maintenance Works in SEBC (need details)	Under development		DFO-BCH-BCTC-MoE		SEBC	
	BC Hydro Approved Work Practices for Riparian Vegetation Removal	Active		DFO-BCH-BCTC-MoE		BC	
	BC Hydro AWP Marine Coastal and Lakeshore Areas (Draft 2, 2004)	Draft?		DFO-BCH-BCTC-MoE		BC	
	BC Hydro Draft Sub-agreement to the AWP for North Central BC (2003)	Unknown		DFO-BCH-BCTC-MoE		BCI North	
	BC Hydro AWP for Submarine Cable Maintenance (FW and Marine) 2008	Active		DFO-BCH-BCTC-MoE		BC	
	Fish Entrainment Strategy	Active	2005	DFO-RHQ		BC	
	Fish-Stream Crossing Guidebook (1)		2002	MOF, MOE & MEM		BC	
	Agriculture Building Setbacks**	2011		Mag		BC	
<b>Multi-Stakeholder</b>							
	Note many of the integrated planning partnerships have various levels of agreements and partnerships governing the development and management of the related plans and practices						
	Lake Management Plans (dozens of large lakes are covered by Lake Management Plans)	Active		Numerous	Yes	Many large lakes	Document fish and other wildlife habitat values, zoning and suitable uses as well as endorsed best management practices and development standards dependent on the classification scheme
<b>Alternative Delivery Mechanisms</b>							
BC	Burrard Environmental Review Committee (BERC)			BERC/DFO/EC/TC/MVPA	Yes		
	Fraser River Estuary Management Plan - Environmental Review Committee (ERC)			ERC/DFO/EC/TC/MVPA	Yes		
	Squamish Estuary Management Plan				Yes		
	Joint Review Committee - BCI	phasing out		DFO-BCI, MoE, MoFLNRO	No		
	Environmental Review Committee - East Kootenay (need info)	phasing out					
	Shuswap Lake Integrated Planning Partnership (SLIPP)	active		DFO, BC, Local government, NGO's	Yes	BC - Shuswap lake	establishes a multi-party partnership covering streamlined and efficient project assessment, coordinated monitoring and enforcement, development of guidance and stewardship material, etc

	East Kootenay Integrated Lake Management Plan (EKILMP)	active		DFO, BC, Local government, NGO's	yes	BC east Kootenays	establishes a multi-party partnership covering streamlined and efficient project assessment, coordinated monitoring and enforcement, development of guidance and stewardship material, etc
Yukon	Yukon Environmental and Socioeconomic Assessment Board						Coordinates all permitting and assessment activities in Yukon
Committees							
	Fish Passage Technical Working Group	Active			n/a		DFO, BC FLNRO, BC MoE
	Joint Steering Committee	Active			n/a		DFO, BC FLNRO, BC MoE
	Joint Management Committee	Active			n/a		DFO, BC FLNRO, BC MoE
	Marine Conservation Caucus	Active					
	SEHAB	Active			n/a		Formal Terms of Reference, endorsed by DFO, committee is comprised of representatives from community stewardship groups from across Pacific Region.
	RAR Steering Committee	Active			n/a		DFO & province of BC
	RAR Coordinating Committee	Active		DFO (Area & Region)/MoFLNRO (Regions & HQ)	n/a		DFO & province of BC
	Fish, Wildlife & Hydro Policy Committee (Dec 2004) -	Active			n/a		DFO, BC and BC Hydro
	Fish/Hydro management Committee	Active			n/a		DFO, BC and BC Hydro
	Nechako Fisheries Conservation Program	Active			n/a		DFO, BC and Rio Tinto Alcan, agreement signed by Minister in 1987.
	Habitat Farmland Committee	Active			n/a		
	Drought Management Committee	Active			n/a		
	Coast Forest Industry Working Group	Active		DFO/Coastal Forest Industry	n/a		
Key Guidelines & BMPs							
	Coastal and Interior Watershed Assessment Procedure Guidebook (CWAP/IWAP) (24)	Active	1999	MOF			
	Fish-Stream Crossing Guidebook (1)	Active	2012	MOF, DFO, MOE & MEM			Endorsed guidelines for stream crossing structures in the natural resource sectors
	Guidebook: Environmentally Sustainable Log Handling Facilities in British Columbia (11)	Active	2003	DFO			Guidelines for the development and operation of log handling facilities (log dumps). Outdated
	AWP's for Helicopter Log Drop Sites in Marine Waters of British Columbia (42)	Active	2011	DFO, BCTS, CFPA			Endorsed standards for the developmet of coastal H95log drop sites
	AWP's for Re-activated Log Dumps in Marine Waters of British Columbia (43)	Active	2011	DFO, BCTS, CFPA			Endorsed standards for the development of coastal helicopter log drop sites
	Best Management Practices for Helicopter Drop Sites for the South Coast Area (replace with #42 above)	Active	2007	DFO South Coast			
	Riparian Buffer Zone (template letter - LG7)	Active	2004	DFO North Coast			
	<b>Agriculture</b>						

B.C. Agricultural Drainage Manual Factsheet (26)	Active	1997	MAFF			
Environmental Farm Planning - Reference Guide (16)	Active	2005	MAFF, DFO, WLAP			
Environmental Farm Planning - Drainage Management Guide (16)	Active	2005	MAFF, DFO, WLAP			
Environmental Farm Planning - Grazing Management Guide (16)	Active	2005	MAFF, DFO, WLAP			
Environmental Farm Planning - Irrigation System Assessment Guide (16)	Active	2005	MAFF, DFO, WLAP			
Environmental Farm Planning - Nutrient Management Reference Guide (16)	Active	2005	MAFF, DFO, WLAP			
Environmental Farm Planning - Riparian Management Field Workbook (16)	Active	2005	MAFF, DFO, WLAP			
Agricultural Ditch Maintenance, Lower Fraser Valley and Vancouver Island (LG9)	Active	2001	MAFF, MELP, DFO			
<b>Urban and Rural Development</b>						
Access Near Aquatic Areas (25)	Active	1996	FRAP, DFO, WLAP			
Control and Removal of Invasive Plant Species from Riparian Areas of British Columbia (45)	Active	2009	DFO			
Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia (replaces Environmental Best Management Practices for Urban and Rural Land Development in BC - 2004 - not commonly used)	Active	2006	MOE			
Environmental Guidelines for Vegetation Management on Flood Protection Works to Protect Public Safety and the Environment (36)	Active	1999	MELP, DFO			
Greening your B.C. Golf Course - A Guide to Environmental Management (17)	Active	1997	DFO, EC			
Land Development Guidelines for the Protection of Aquatic Habitat (3)	Active	1992	DFO, MELP			
Marina Development Guidelines for the Protection of Fish and Fish Habitat (14)	Active	1995	DFO, MELP			
Shoreline Structures Environmental Design (37)	Active	2002	DFO, CWS			
Urban Stormwater Guidelines and BMP's for Protection of Fish and Fish Habitat	Active	2004	DFO			
<b>General</b>						
Beach Grooming Guidelines - Lake Environments in the Columbia Basin (LG18)	Active	2005	DFO BC Interior			
Best Management Practices for Constructing Erosion Control Structures in the South Coast Area (LG14)	Active	2004	DFO South Coast			
Best Management Practices for Constructing Docks and Floats in the South Coast Area (LG15)	Active	2004	DFO South Coast			
Best Management Practices for Marine Maintenance Dredging in the South Coast Area	Active	2004	DFO South Coast			
Dredge Management Guidelines	Active	2005	FREMP			DFO partner in FREMP

Fuel Wood Reduction Projects	Active	2004	DFO Yukon TransBdy			
Guidelines for the Management of Beaver in Fish-Bearing Streams in the Yukon; and Powerpoint	Active	1998	DFO Yukon TransBdy			
Guidelines for Foreshore Works in the Yukon River Upper Lakes Area (LG3)	Active	1998	DFO Yukon TransBdy			
Guidelines for Geothermal Loop Installation – Lake Environments in the Columbia Basin (LG22)	Active	2007	DFO BC Interior			
Guidelines for Water Intake Installation – Lake Environments in the Columbia Basin (LG23)	Active	2006	DFO BC Interior			
Interim Standards for Lakeshore Erosion Protection in the Columbia Basin (LG24)	Active	2007	DFO BC Interior			
Recreational Events or Activities Held on Frozen Lakes and Rivers in the Yukon (LG4)	Active	2004	DFO Yukon TransBdy			
Tree Replacement Criteria - Lower Fraser 1996 (LG11)	Active	1996	BC Env., L. Mainland Reg. / DFO BC Interior			
and Planting Criteria - Lower Mainland 1998	Active					
and Tree Replacement Criteria - Kamloops	Active					
<b>Roads, Linear Developments, Stream Crossings, and Rights of Way</b>						
Approved Work Practices for Managing Riparian Vegetation (31)	Active	2003	BCH, BCTC, DFO, MOE			
Approved Work Practices for Submarine Cable Maintenance (44)	Active	2008	BC Hydro; BCTC; DFO; WLAP			
Best Management Practices for Highway Maintenance Projects (6) particularly when supplemented with:	Active	2004	MOTH			
Fish-Stream Crossing Guidebook (1)	Active	2002	MOF			
Guidelines for the Protection of Fish and Fish Habitat During Bridge Maintenance Operations in British Columbia (7) Where it applies, use Operational Statement instead.	Active	1991	DFO			
Guidelines for the Use of Explosives in or near Canadian Fisheries Waters (2)	Active	1998	DFO			
Guidelines to Protect Fish and Fish Habitat From Treated Wood Used in Aquatic Environments in the Pacific Region (12)	Active	2000	DFO			
Pipeline Associated Watercourse Crossings (3rd Ed) (5)	Active	2005	CAPP, CEPA, CGA			Nationally endorsed by DFO
Practitioners Guide to Fish Passage for DFO Habitat Management Staff (41)	Active		DFO			
Stream Crossing Planning Guide (34)	Active	2004	OGC			Nationally endorsed by DFO
Yukon Fording Guideline (LG6) also see Operational Statement	Active	2002	DFO Yukon TransBody			
Introduction to the Small Hydroelectric Facilities Risk Analysis and Decision Framework	Active					

	<b>Water Withdrawal, Intake Screening &amp; Hydroelectric Development</b>						
	Approved Work Practices for Managing Riparian Vegetation (31)	Active	2003	BC Hydro, BCTC, DFO, WLAP			
	Environmental Impact Statement Guidelines for Screening Level Review Under the Canadian Environmental Assessment Act for Independent Small Hydro Power Projects in British Columbia: <u>Cover Letter</u> ; Guide; Append D, TC; Append E, EG; Summary; Mamquam template (39)	Active	2007	DFO			requires updates
	Freshwater Intake End of Pipe Fish Screen Guidelines (4)	Active	1995	DFO			
	Guidelines for minimizing entrainment and impingement of aquatic organisms at marine intakes in British Columbia	Active	1991	DFO			
	Guidelines for the Use of Explosives in or near Canadian Fisheries Waters (2)	Active	1998	DFO			
	Flow Ramping Guidelines (Knight Piesold) : Report ; Figure 2.1 ; 2.2 ; 2.3 ; 2.4 ; 2.5 ; 2.6 ; 2.7 ; 4.1 ; 4.2 ; 4.3 ; Tab 6.1 ; 6.2 ; 6.3 (21)	Active	2005	DFO			
	British Columbia Instream Flow Guidelines for Fish (8)	Active					
	Assessment Methods for Aquatic Habitat and Instream Flow Characteristics in Support of Applications to Dam, Divert or Extract Water from Streams in BC (8)	Active					
	Instream Flow Thresholds for Fish and Fish Habitat as Guidelines for Reviewing Proposed Water Uses - Synopsis (8)	Active	2004	MOE, MRSB			
	Small Hydroelectric Facilities Risk Analysis and Decision Framework	Active	2011	DFO			
	Introduction to the Small Hydroelectric Facilities Risk Analysis and Decision Framework	Active	2011	DFO			
	Non-Fish Bearing Status Confirmation for Small Hydro Power Projects in South Coast Region (MoFLNRO, Sept 2011 Draft)*	Active					relied on by IPP sector
	Guidance Framework Document for Impact Assessment on Fish Habitat from Groundwater Extraction Projects (LG40)	Active	2005	DFO (Thurber)			
	Guidelines for Water Intake Installation – Lake Environments in the Columbia Basin (LG23)	Active	2006	DFO BC Interior			
	BMP's for Installation and Maintenance of Water Line Intakes (LG30); DFO Addendum (2008)	Active	2006	MOE, Okanagan Region			
	<b>Aquaculture</b>						

Interim Guide To Information Requirements For Environmental Assessment Of Marine Finfish Aquaculture Projects (28)		2002	DFO			
<b>Mining</b>						
Yukon Chamber of Mines: Yukon Mineral and Coal Exploration Best Management Practices and Regulatory Guide (46)	Active					
Placer Mining Best Management Practices Handbook	Under Development (2012)	n/a	BC/Taku R. Tlingit/Atlin Placer Miners Assoc.			
Fish Habitat Protection Guidelines for Placer Mining (LG27)	Active	2002	DFO BC Interior			
Fish Habitat Protection Guidelines for Placer Mining - Acceptable Practices for Hand Mining (LG26)	Active	2002	DFO BC Interior			
Fish Habitat Protection Guidelines for Placer Mining on Fraser River Gravel Bars (LG25)	Active	1997	DFO BC Interior			
Guidebook for Mitigation Measures for placer Mining in the Yukon	Active	2010		Yes	Yukon	yukon dfo endorsed?
<b>Oil and Gas Development</b>						
Stream Crossing Planning Guide (34)	Active	2004	OGC			endorsed by dfo



**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Wednesday, October 2, 2013 6:16 AM  
**To:** Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Subject:** DFO list of agreements etc

Hi Lisa and Laura. I just wanted to let you know that I have not forgotten about sending you the DFO list. It needs a bit of work before I can send it and should be able to get it to you in the next few days. Jason

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, September 12, 2013 10:54 AM  
**To:** Feyrer, Laura ENV:EX; Fanos, Brad; Magnan, Alain  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** RE: DFO meeting with BC NRS proposed Sept 18

Hi Laura. On the DFO side, the best option from your proposed dates is Sept 23 10:30 – 12. Brad, Al and I are confirmed as available. Our Regional Director Bonnie Antcliffe may join, but is not confirmed. Also, I think a representative from our Policy group in Ottawa may also dial in. If you can send a meeting invite to me and Brad, we can distribute to DFO attendees. Jason

**From:** Feyrer, Laura ENV:EX [<mailto:Laura.Feyrer@gov.bc.ca>]  
**Sent:** September-10-13 10:20 AM  
**To:** Hwang, Jason; Fanos, Brad  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** RE: DFO meeting with BC NRS proposed Sept 18

Hi Jason – further to our conversation please find some alternate dates that could work for the majority of our group to discuss the FPP with DFO. Please advise soonest what might be feasible for you so that we can secure a time.

Thanks,

Laura

- Sep 18, 10:30 -12
- Sep 23, 10:30 – 12
- Sep 25, 1 – 2:30

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**From:** Feyrer, Laura ENV:EX  
**Sent:** Thursday, September 5, 2013 4:23 PM  
**To:** Hwang, Jason; Fanos, Brad  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** DFO meeting with BC NRS proposed Sept 18

Hi Jason and Brad,

The BC NRS just had our first meeting since the revised Fisheries Protection Policy has been released and it was suggested that DFO regional staff be invited to meet and discuss with our group. We were hoping to focus on questions regarding the policy and if we have time address some cross-cutting follow up items coming out of the July 10 workshop.

Ideally we would like to meet before we provide our response to DFO on the FPP document as requested by September 27. We already have 1.5 hr meeting scheduled for September 18 from 1:30 – 3pm with the group. Would someone from DFO be available to participate in that meeting or should we look for another time?

Please advise and I would be happy to send out an invite. We can then arrange a call prior to that time to discuss more specifics regarding the agenda if that makes sense.

Thanks

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor  
Strategic Policy | BC Ministry of Environment  
P: 250.387.9796 | F: 250.387.8894 | E: [laura.feyrer@gov.bc.ca](mailto:laura.feyrer@gov.bc.ca)

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Wednesday, July 31, 2013 3:23 PM  
**To:** Feyrer, Laura ENV:EX  
**Cc:** Fanos, Brad; Paquin, Lisa C ENV:EX  
**Subject:** Re: Updated Draft NRS Fisheries Act Info Note

Hi Laura. I am almost certain that the statute as it stands now prohibits the deposit of a deleterious substance and does not require evidence of dead fish, and I don't think the Fisheries Act changes have introduced any change on this point. I will confirm and get back to you, Jason

**From:** Feyrer, Laura ENV:EX [<mailto:Laura.Feyrer@gov.bc.ca>]  
**Sent:** Wednesday, July 31, 2013 12:56 PM Eastern Standard Time  
**To:** Hwang, Jason  
**Cc:** Paquin, Lisa C ENV:EX <[Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)>; Fanos, Brad; Chow, Brian FLNR:EX <[Brian.Chow@gov.bc.ca](mailto:Brian.Chow@gov.bc.ca)>  
**Subject:** FW: Updated Draft NRS Fisheries Act Info Note

Hi Jason,

Just following up on a point of clarification from one of our participants at our workshop on July 10. Could you provide confirmation as to whether Brian's interpretation of what was discussed (below) is accurate from DFO's perspective?

Many thanks

Laura

**From:** Chow, Brian FLNR:EX  
**Sent:** Tuesday, July 30, 2013 4:41 PM  
**To:** Feyrer, Laura ENV:EX  
**Subject:** RE: Updated Draft NRS Fisheries Act Info Note

Hi Laura,

Went quickly through the July 10 meeting summary and the DFO presentation. Did not see specific reference to a point that I believed I heard, that the legislation was being changed such that there would not be a requirement to demonstrate a detrimental effect (ie. dead fish) only that a deleterious substance had been introduced into fish stream or habitat.

If this is correct, it has a significant operational implication.

It would be worthwhile to get clarification from DFO on this point. Thanks.

☺ **Brian Chow, M.Eng., P.Eng.**  
**Chief Engineer**  
Engineering Branch, Timber Operations and Pricing  
Ministry of Forests, Lands and Natural Resource Operations  
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3rd Flr - 1520 Blanshard Street  
Victoria, BC V8W 3K2  
Ph: (250)953-4370 fax: (250)953-3687  
e-mail: [brian.chow@gov.bc.ca](mailto:brian.chow@gov.bc.ca)

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, July 5, 2013 2:26 PM  
**To:** Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Cc:** Brad.Fanos@dfo-mpo.gc.ca; Engelsjord, Michael; Runciman, Bruce; Lawrence, Joanne; Nicholas.Winfield@dfo-mpo.gc.ca; Ziai, Chad  
**Subject:** DFO - BC meeting July 10

Hi Lisa and Laura. In preparation for the meeting next week, here is the list of expected DFO attendees. I have cc'd the DFO folks so that they are in the loop and so that you have their email addresses. Jason

DFO attendees – in person

Brad Fanos, Regional Manager, DFO Fisheries Protection Program (Vancouver)  
Mike Engelsjord, Manager, Project Review Triage Unit (Vancouver)  
Bruce Runciman, Coordinator, Client Liaison and Partnerships (Kamloops)  
Jason Hwang, DFO Fisheries Protection Program (Kamloops)

DFO attendees - via phone

Joanne Lawrence, Policy Analyst (Vancouver)  
Nick Winfield (or designate) – not confirmed – DFO Fisheries Protection Program Policy – Ottawa  
Chad Ziai (or designate) - not confirmed – DFO Fisheries Protection Program Operations - Ottawa

Paquin, Lisa C ENV:EX

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, July 5, 2013 12:19 PM  
**To:** Feyrer, Laura ENV:EX; Paquin, Lisa C ENV:EX; Engelsjord, Michael; Brad.Fanos@dfo-mpo.gc.ca  
**Subject:** expectations for July 10 meeting

Hi all. From the call I had with Laura and Lisa this morning to plan for the meeting next week, it was suggested that it would be helpful for DFO to develop a statement about what to expect in terms of scope and content. My rough draft of a point on this is below, any comments or edits are welcome. Jason

DFO will be focussing on our regulatory framework and process specific to the Fisheries Act, and the Fisheries Protection Program. Linkages to other federal mandates such as SARA and CEAA are recognized, but detailed discussions on these subjects will not be covered at the upcoming meeting. Where appropriate, issues or questions on these other federal mandates can be identified and we can discuss the possible options for addressing them, but we do not expect to resolve these points at the upcoming meeting.

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, July 5, 2013 9:47 AM  
**To:** Feyrer, Laura ENV:EX  
**Cc:** Paquin, Lisa C ENV:EX; Brad.Fanos@dfo-mpo.gc.ca  
**Subject:** RE: Agenda Draft July 10

Hi Laura, I don't think we are feeling strongly that this one needs to be last. We just thought that the MoE, FLNRO and EAO questions would illustrate the issues most broadly. I am not sure we will get to the answers Min of Ag is looking for at our meeting next week. We can discuss this further this morning - the short answers to their questions are:

- 1) We are not planning to speak in detail to SARA issues next week – our focus is the Fisheries Act. We recognize the SARA issues, but this will need to be a follow up, and likely with DFO's SARA group and may or may not include DFO's FPP.
- 2) This will be like every other potential referral to DFO. Will go through the triage process via the DFO website
- 3) From a DFO perspective, if it needs our review, it will go through the triage process as noted above. The connection between the DFO and Sec 9 regulatory process is asked by FLNRO and probably applies to many sector interests – that is why we put that near the front of the question list.
- 4) As per response to Q2 – if it needs a DFO review/authorization, it will need to go through the triage process.

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**From:** Feyrer, Laura ENV:EX [<mailto:Laura.Feyrer@gov.bc.ca>]  
**Sent:** July-05-13 9:16 AM  
**To:** Hwang, Jason  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** RE: Agenda Draft July 10

Hi Jason –

Ministry of Agriculture just sent a revised version of their questions that has added some broader context. I am concerned that leaving this item to last may make it challenging to get through. We can discuss on our call this morning, but please see their revisions below.

Laura

**Ministry of Agriculture**

Many of the scenarios on agricultural lands are likely to be works of a relatively small scale compared to larger industrial projects such as pipelines, hydro-electric installations and mines. Questions arise how particular small projects will be dealt with under the new DFO structure and interpretation of the revised role of DFO in fish protection and the interpretation of serious harm. Some of the small works on agricultural lands are presented below:

1. How will referrals regarding aquatic SAR on agricultural lands be dealt with in particular regarding questions of: designation of critical habitat; evaluation of BMPS that support critical habitat, designation of farm practices and their compatibility to recovery strategies and action plans objectives and what will be the process of enforcement of SAR recovery objectives if compliance is in question? For example, how will critical habitat provisions be implemented under species at risk recovery plans with respect to Nooksack Dace and Salish Sucker – these have substantial implications to the agriculture community.
2. How will drainage maintenance approvals be obtained? Currently there is a drainage management guide that was approved by DFO and it likely has to be updated. This is of particular importance for both individual farms and local governments that wish to do drainage maintenance



3. What will be the referral process for farmers doing works in drainage channels on their farms such as riparian protection works, installation of culverts, bridges etc. Will these continue to be carried out through a Section 9 of the Water Act referral process or will there be changes to this process?
4. How will referrals and authorisations for either riparian vegetation management or larger activities like land clearing on ALR/agricultural lands be dealt with under the new mandate?

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**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Friday, July 5, 2013 8:50 AM  
**To:** Feyrer, Laura ENV:EX; Fanos, Brad; Paquin, Lisa C ENV:EX  
**Cc:** Danks, Anthony ENV:EX; Gilliland, Lori K ENV:EX  
**Subject:** RE: Agenda Draft July 10

Hi Laura and Lisa. Brad, myself and a couple of others from DFO met yesterday and we have some minor edits to suggest for the agenda. We have suggested a different order for the case study questions. The reason for this is that we think the discussion will be more effective if we start with questions that provide broader perspective rather than starting with questions that may have a narrower focus. I have inserted these into the document. We are also working on a short powerpoint presentation to support the discussion, but we won't have that ready until Monday or maybe Tuesday next week.

Jason.

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**From:** Feyrer, Laura ENV:EX [<mailto:Laura.Feyrer@gov.bc.ca>]  
**Sent:** July-03-13 1:04 PM  
**To:** Fanos, Brad; Hwang, Jason; Paquin, Lisa C ENV:EX  
**Cc:** Danks, Anthony ENV:EX; Gilliland, Lori K ENV:EX  
**Subject:** Agenda Draft July 10

Hi Jason and Brad,

As discussed during our call today, please find a revised agenda where we have reframed the objectives and included our suggested case studies.

Thanks for your time today and we will send out a meeting invite for a follow up planning discussion on Friday.

Cheers,

Laura

**Paquin, Lisa C ENV:EX**

---

**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, July 5, 2013 8:50 AM  
**To:** Feyrer, Laura ENV:EX; Fanos, Brad; Paquin, Lisa C ENV:EX  
**Cc:** Danks, Anthony ENV:EX; Gilliland, Lori K ENV:EX  
**Subject:** RE: Agenda Draft July 10  
**Attachments:** BC-DFO Agenda Draft July 10.docx

Hi Laura and Lisa. Brad, myself and a couple of others from DFO met yesterday and we have some minor edits to suggest for the agenda. We have suggested a different order for the case study questions. The reason for this is that we think the discussion will be more effective if we start with questions that provide broader perspective rather than starting with questions that may have a narrower focus. I have inserted these into the document. We are also working on a short powerpoint presentation to support the discussion, but we won't have that ready until Monday or maybe Tuesday next week.

Jason.

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**From:** Feyrer, Laura ENV:EX [<mailto:Laura.Feyrer@gov.bc.ca>]  
**Sent:** July-03-13 1:04 PM  
**To:** Fanos, Brad; Hwang, Jason; Paquin, Lisa C ENV:EX  
**Cc:** Danks, Anthony ENV:EX; Gilliland, Lori K ENV:EX  
**Subject:** Agenda Draft July 10

Hi Jason and Brad,

As discussed during our call today, please find a revised agenda where we have reframed the objectives and included our suggested case studies.

Thanks for your time today and we will send out a meeting invite for a follow up planning discussion on Friday.

Cheers,

Laura

### Workshop Objectives

1. Answer questions about the Fisheries Act impacts to regulatory and operational programs.
2. Clarify roles and responsibilities between DFO and BC and discuss points requiring further work.
3. Understand the new project review process envisioned by DFO and how it may intersect with BC's regulatory process. Begin to identify conflicts, gaps or inefficiencies.
4. Highlight key agreements, protocols and guidance documents that require urgent review or updating prior to the Fisheries Act changes coming into force.

### Participants

*DFO Managers, Policy staff and Regional Managers from across Provincial Agencies - MFLNRO, MOE, MA, OGC, MEM, EAO, CSCD*

### Agenda

1. **Clarify DFO triage process works** - Given some uncertainty of the final version of all new policy tools, DFO to describe details of how they see the triage process working to manage new priorities and mandate. State assumptions and focus on organizational structure and systems in place. PPT to be provided in advance.
2. **Case study examples** – provided by BC agencies and themes coordinated and refined by DFO with consideration for state of current knowledge to address walking through specific examples.

Time	Item
9:30	<b>Introductions</b>
9:40	<b>1. Clarify DFO triage process.</b> DFO will explain the generalized form of the Fisheries Act regulatory (triage) process from start to end. This will include: <ul style="list-style-type: none"> <li>• What projects/activities fall within DFO's scope</li> <li>• What guidance or tools are available to assist proponents</li> <li>• The DFO triage process</li> <li>• Possible outcomes for a project that is submitted to DFO</li> <li>• Partnerships and standards</li> <li>• Roles and responsibilities</li> </ul>
10:40	<b>Break</b>
11:00	<b>1. Case study examples</b> <ul style="list-style-type: none"> <li>• <b>Ministry of Environment</b></li> </ul>
	1. What referral process will be followed by DFO on any and all water license

## DFO Workshop Agenda July 10, 2013

	<p>applications? Will they default to standard practices yet to be made by the Province?</p> <ol style="list-style-type: none"> <li>2. For small hydro developments that are not covered by the EAO process, how will DFO authorize HADDs and input into water licence decisions?</li> <li>3. What are the rules for water developers (IPPs, small and large irrigation projects, OCG) for run-of-river diversions in landscapes that show major flow limitations in the summer or winter when there is no ecological surplus water?</li> </ol>
	<ul style="list-style-type: none"> <li>• <b>Ministry of Forests, Lands and Natural Resource Operations</b></li> </ul> <ol style="list-style-type: none"> <li>1. How will DFO keep commitments made under the Intergovernmental Cooperation Agreement respecting the implementation of the Riparian Areas Regulation (signed July 2008), particularly in regard to variances in cases of undue hardship?</li> <li>2. How will DFO handle referrals for Approvals under Section 9 of the <i>Water Act</i>?</li> </ol>
	<ul style="list-style-type: none"> <li>• <b>Environmental Assessment Office</b></li> </ul> <ol style="list-style-type: none"> <li>1. <i>EA required under both the BC Environmental Assessment Act and Canadian Environmental Assessment Act, 2012 (CEAA 2012):</i> An LNG pipeline project of approximately 650km in length is being reviewed by both EAO and CEAA. The project would require numerous stream crossings, touching on many different First Nations traditional territories. Several of these crossings would be through large rivers and important watercourses. In addition, the project has 2-3 possible route alignments. <ul style="list-style-type: none"> <li>• How would coordination of this referral occur working with CEAA and DFO?</li> <li>• How will DFO address both provincial and federal EA information requirements that are identified during the Pre-application stage of the EA (including required baseline info, valued components to be assessed)?</li> <li>• If a potential for an Authorization and/or offsetting plan is identified in the pre-application phase of an EA, when can a Proponent submit an Authorization application to DFO? How would an Authorization approval process align with the EA process in terms of timelines and determination of significant adverse effects?</li> <li>• If DFO only participates in the later stages of the EA (i.e. Application Review), how will EAO ensure the EA baseline studies required of the proponent provide accurate information for DFO to be able to proceed with any required Authorizations or approval of offsetting</li> </ul> </li> </ol>

	<p>plans? Does DFO have any ideas for avoiding this potential gap?</p> <ul style="list-style-type: none"> <li>Where does DFO see its role in terms of compliance, monitoring, and follow-up of projects that receive a provincial Environmental Assessment Certificate and positive federal Decision Statement? What is the opportunity for collaboration on certain aspects of compliance?</li> </ul> <p>2. <i>EA required under only the BC Environmental Assessment Act:</i> EAO is reviewing a proposed coal mine in southeast BC. The coal deposit includes areas beneath a large river. Major components of the Project include an open pit and underground mine, coal processing facilities, temporary and permanent waste rock dumps, a 27 km rail line, and a rail load out. A number of crossings that support commercial, recreational, and Aboriginal fisheries would also be required.</p> <ul style="list-style-type: none"> <li>Where CEAA is not involved in an EA, and EAO would need to seek guidance on issues related to the <i>Fisheries Act</i> (e.g., loss of fish habitat, serious harm, Authorization). How should EAO initiate the request from DFO? What happens next?</li> <li>This project <i>could</i> result in serious harm, depending on the results of the effects assessment. What is DFO's capacity to participate in working groups or provide guidance on fisheries issues to EAO and Proponents where the EA is being led by BC only?</li> <li>If DFO participates, when and how would this occur during a provincial led EA? EAO is concerned that the proponent conducts the right EA baseline studies to provide appropriate information for DFO to be able to proceed with any required Authorizations.</li> <li>EAO is considering including an Environmental Assessment Certificate Condition that requires the proponent, prior to commencement of construction, to work with DFO to determine the need for an Authorization and /or offsetting plan. How would this work if DFO has not participated in the EA process?</li> </ul>
	<ul style="list-style-type: none"> <li><b>Ministry of Energy and Mines</b></li> </ul> <ol style="list-style-type: none"> <li>How will Schedule 2 approvals (currently application process under the Fisheries Act in relation to major Mines for such things as tailings ponds) be dealt with in the future? Will this change under the new system – and if so, how.</li> <li><b>For Effluent Discharge:</b> Are any there any changes that would impact the Provincial <i>Placer Mining</i></li> </ol>

#### DFO Workshop Agenda July 10, 2013

	<p><i>Waste Control Regulation</i> (which allows for discharge of suspended solids on certain streams without a permit)?</p> <p>3. For <b>HADD</b>, we should see how any changes would affect processing/permitting the following;</p> <ul style="list-style-type: none"> <li>a. Stream Diversions for Placer Mining.</li> <li>b. Stream Crossings for Access to a Mine Site (<i>Mines Act</i> Roads).</li> <li>c. In-stream Suction Dredging and the "DFO/MOE Guidelines for the Use of Suction Dredges to Snipe for Gold".</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Ministry of Agriculture</b></li> </ul> <ol style="list-style-type: none"> <li>1. How will DFO process work where there are species at risk recovery plans (ie. Nooksack Dace and Salish Sucker)?</li> <li>2. How will drainage maintenance approvals be obtained? We currently have a drainage management guide that was approved by DFO for both individual farms and local governments that wish to do drainage maintenance. Does this need to be amended in light of the recent regulatory and organizational changes?.</li> <li>3. What are the rules for farmers doing works in drainage channels on their farms such as riparian protection works, installation of culvers, bridges etc.</li> </ol>
	<ul style="list-style-type: none"> <li>•</li> </ul>

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Wednesday, June 26, 2013 1:48 PM  
**To:** Feyrer, Laura ENV:EX; Fanos, Brad  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** RE: DFO workshop for BC July 10

Hi Laura and Lisa. Brad and I have been coordinating on this and I recognize that you have proposed we have a call next week in advance of the July 10 session. I was hoping we could touch base briefly either this afternoon or tomorrow just to orient and scope for the meeting and make sure we are on the same page in terms of content and to have the right people lined up. Do either or both of you have a few minutes today or tomorrow? I am free this afternoon except between 3:30 and 4:00, and tomorrow except between 12 and 1. Jason.

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**From:** Feyrer, Laura ENV:EX [<mailto:Laura.Feyrer@gov.bc.ca>]  
**Sent:** June-25-13 4:31 PM  
**To:** Fanos, Brad  
**Cc:** Paquin, Lisa C ENV:EX; Hwang, Jason  
**Subject:** RE: DFO workshop for BC July 10

Hi Brad –

Thanks for getting back to me, following my earlier note, it would work better for us to discuss next week, Weds looks good right now. Please advise of your availability so we can coordinate. I look forward to receiving the draft agenda.

Thanks,

Laura

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**From:** Fanos, Brad [<mailto:Brad.Fanos@dfo-mpo.gc.ca>]  
**Sent:** Tuesday, June 25, 2013 4:16 PM  
**To:** Feyrer, Laura ENV:EX  
**Cc:** Paquin, Lisa C ENV:EX; Hwang, Jason  
**Subject:** RE: DFO workshop for BC July 10

Hi  
how about Thur at 1:30. I will set up a con call for Jason, you and I if this works. We can always try early next week if it works better on your end.  
Draft agenda to follow but will focus on July 10 agenda- attendance and key topics

Thanks

Brad Fanos  
Regulatory Reviews Manager  
Fisheries Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada, Pacific Region  
Phone: (604) 666-3909  
e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)



DFO Pacific Region webpage "Working Near Water in BC and Yukon" <http://www.pac.dfo-mpo.gc.ca/habitat/index-eng.htm>  
DFO Pacific Region Project Review Application Form <http://www.pac.dfo-mpo.gc.ca/habitat/steps/praf/index-eng.htm>  
Observe, Record and Report (ORR) Line: 1 800 465-4336

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**From:** Feyrer, Laura ENV:EX [<mailto:Laura.Feyrer@gov.bc.ca>]  
**Sent:** June-25-13 9:10 AM  
**To:** Fanos, Brad  
**Cc:** Paquin, Lisa C ENV:EX; Hwang, Jason  
**Subject:** FW: DFO workshop for BC July 10

Hi Brad,

Lisa is unavailable Thursday/Friday to touch base on the workshop, but I have some flexibility to discuss later this week or we can wait till next week, anytime Weds –Fri when we are all in the office. Let me know what is best from your perspective.

Cheers,

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor  
Strategic Policy | BC Ministry of Environment  
P: 250.387.9796 | F: 250.387.8894 | E: [laura.feyrer@gov.bc.ca](mailto:laura.feyrer@gov.bc.ca)

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**From:** Feyrer, Laura ENV:EX  
**Sent:** Monday, June 24, 2013 3:11 PM  
**To:** 'Hwang, Jason'  
**Cc:** Paquin, Lisa C ENV:EX  
**Subject:** DFO workshop for BC July 10

Hi Jason,

Just wanted to check in with you and confirm that DFO is good to go for our workshop on July 10.

As discussed at our last meeting we are hoping to have an advance of the slides DFO is intending to present on how DFO triage process works and the interface with various systems to clarify assumptions. If you have something draft before our regular meeting tomorrow that would be helpful, but if not I can distribute it to participants before the workshop.

I was also curious how the meeting with Ecosystem section heads at their June f2f meeting went from your perspective. Were you able to generate some examples from your discussions on the FA?

Thanks,

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor  
Strategic Policy | BC Ministry of Environment  
P: 250.387.9796 | F: 250.387.8894 | E: [laura.feyrer@gov.bc.ca](mailto:laura.feyrer@gov.bc.ca)

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Monday, June 3, 2013 1:26 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** RE: Are you available for a quick chat?

Hi Lisa. I will have time this afternoon. I am on a call that should end around 2:00 – can I call you after that?

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** 2013-June-03 1:23 PM  
**To:** Hwang, Jason  
**Subject:** Are you available for a quick chat?

*Lisa Paquin,*  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, May 24, 2013 11:12 AM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** RE: conf call next week?

Hi Lisa. I got your voicemail on this – thanks. I won't line up anyone else from DFO and I will wait to hear as to whether you want me to join the call or not. Thanks. Jason.

---

**From:** Hwang, Jason  
**Sent:** 2013-May-24 9:44 AM  
**To:** Feyrer, Laura ENV:EX; Paquin, Lisa C ENV:EX  
**Subject:** conf call next week?

Hi Laura and Lisa. I have a meeting invite from Laura for a conference call on Wednesday afternoon next as a continuation of our working group sessions. I was not sure if DFO would be available for Wednesday as we have been planning for engagement session with various parties to go through the Discussion Paper. It turns out that we have no session scheduled for Wednesday afternoon so DFO could be free to have conference call with BC if you would like. Right now, I know for sure that I would be available, and I can check with others from DFO on their availability if we decide to have a call. Can you let me know if you want to proceed with a call next week and if you do, let us know what points you would like to discuss. Feel free to call if you want to discuss things. Thanks. Jason.

250 851 4870 – office  
s.17 cell

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Wednesday, May 22, 2013 12:08 PM  
**To:** Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Subject:** FW: Conservation groups Joint Policy Statement on Fisheries Act Amendments

Hi Lisa and Laura. I received the email below via Holly Pulvermacher from our Vancouver office. I am wondering if someone on your side has been able to answer Ian's question or if you would like me to provide information on this. Let me know. Jason.

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**From:** Pulvermacher, Holly  
**Sent:** 2013-May-17 10:46 AM  
**To:** Hwang, Jason  
**Cc:** Fanos, Brad  
**Subject:** FW: Conservation groups Joint Policy Statement on Fisheries Act Amendments

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**From:** Miller, Ian C FLNR:EX [mailto:Ian.C.Miller@gov.bc.ca]  
**Sent:** May-17-13 10:00 AM  
**To:** Chow, Brian FLNR:EX; DeBeck, Howard W FLNR:EX; Hamilton, Dave W FLNR:EX; Pulvermacher, Holly; Maloney, David A FLNR:EX; Miller, Ian C FLNR:EX; Mount, Craig A ENV:EX; Thompson, Richard P ENV:EX; Tschaplinski, Peter J ENV:EX; Wong, Sean TRAN:EX; XT:Vold, Terje FLNR:IN  
**Subject:** FW: Conservation groups Joint Policy Statement on Fisheries Act Amendments

FYI.....if you look at page 1 of the joint policy statement, under the heading "AMENDMENTS THAT WILL CLEARLY BENEFIT RECREATIONAL FISH SPECIES"  
you'll see the comment: "Clarified provisions that allow the Minister to require fish passage  
I'm not certain which provision of the amended Act or the draft regulation this statement refers to, but if you know, please point it out to the rest of us....

I'll have another look at the reg to see if I can find this specific provision(s).....

Ian

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Ian Miller, RPF  
Resource Practices Branch  
Phone: 250-387-8398 Cell: 250-812-2261

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**From:** Feyrer, Laura ENV:EX  
**Sent:** Thursday, May 16, 2013 3:02 PM  
**To:** Paquin, Lisa C ENV:EX; Carswell, Barron AGRI:EX; Neilson, Larry AGRI:EX; Wilson, Andrew S FLNR:EX; Witt, Andy FLNR:EX; Marshall, Vicki FLNR:EX; Down, Ted ENV:EX; White, Ted T ENV:EX; Herborg, Matthias ENV:EX; Vukelich, Vera FLNR:EX; Collison, Sarah FLNR:EX  
**Cc:** Scraba, Erin H EAO:EX; Carr, Michelle EAO:EX; van der Gulik, Ted AGRI:EX; Trotter, David B AGRI:EX; McReynolds, Tom W FLNR:EX; Miller, Ian C FLNR:EX; Thomson, Barbara L. EMNG:EX; Koncohrada, Karen EMNG:EX; Anslow, Martha EMNG:EX; Johnstone, Heather EMNG:EX; Smith, Chris EMNG:EX; Craven, Paul IGRS:EX; Walman, Bart IGRS:EX; Beak, Lynn ABR:EX; Simonson, Terry ABR:EX; Dale, Alec R ENV:EX; Wilson, Greg ENV:EX; Ptolemy, Ron ENV:EX; Sabourin, Justin ENV:EX; Kriwoken, Lynn ENV:EX; Luke, Alison ENV:EX; Cieslak, Valerie ABR:EX; Danks, Anthony ENV:EX; Antill, John EAO:EX; Wilkerson, Stacey L FLNR:EX; Murphy, Brian EAO:EX; Horsman, Natasha EAO:EX  
**Subject:** FW: Conservation groups Joint Policy Statement on Fisheries Act Amendments

Hello everyone,

As discussed at our last meeting, please find the joint policy statement put together by a number of conservation groups as a response to the Fisheries Act amendments attached your reference.

Thanks

Laura

Laura Joan Feyrer, MSc. | Senior Policy Advisor

Strategic Policy | BC Ministry of Environment

P: 250.387.9796 | F: 250.387.8894 | E: [laura.feyrer@gov.bc.ca](mailto:laura.feyrer@gov.bc.ca)

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Wednesday, May 1, 2013 3:42 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Fanos, Brad  
**Subject:** Re: Connect in advance of your trip to Ottawa?

Hi Lisa. I have not heard back from Brad yet. I am available for 10 am so let's plan for that and hopefully Brad can join. We can use my conference line:

1 877 413 4781 / 872 4514

Jason

----- Original Message -----

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** Wednesday, May 01, 2013 05:01 PM Eastern Standard Time  
**To:** Hwang, Jason  
**Subject:** RE: Connect in advance of your trip to Ottawa?

Hi Jason, thank you for your email. I would love to take you up of this offer and would like to include Anthony in the discussion. Would you and Brad be available at 10am tomorrow morning? Cheers, Lisa

-----Original Message-----

**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Wednesday, May 1, 2013 1:27 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** Connect in advance of your trip to Ottawa?

Hi Lisa. I am wondering if you want to try to have a quick call with me and Brad in advance of your upcoming trip to Ottawa. I don't have any significant items to discuss but thought it might be useful to share some points you might find value in discussing while you are there. Let me know what you think. Jason.



**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Wednesday, April 24, 2013 2:37 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Nicholas.Winfield@dfo-mpo.gc.ca; Christine.Stoneman@dfo-mpo.gc.ca  
**Subject:** Ottawa contacts

Hi Lisa, both Christine Stoneman and Nick Winfield are interested in meeting with you and Anthony when you are in Ottawa in May. They suggested it might be good for them to meet you together and I think that is a good idea. Christine is Executive Director of the Fisheries Protection Program and she is the lead on the Operations side of the program which complements Nick's lead on the Policy side. I have copied them both on this note so that you have their contact information. Jason.

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, March 28, 2013 10:43 AM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** meeting outline

Hi Lisa, following from our call today and the engagement session last week, here is my take on items for follow up discussions between DFO and BC.

- 1) Purpose of the new Fisheries Protection Provisions
  - Sustainability
  - Productivity
- 2) Definition of Serious Harm
  - Death of fish
  - Permanent alteration
  - Destruction
- 3) Scope of application of the prohibition
  - Commercial, recreational, aboriginal fisheries
  - Fish that support CRA fisheries
  - Exemptions, exclusions, non CRA fisheries waters
- 4) Contribution of relevant fish
- 5) Fisheries Management Objectives
- 6) Measures to avoid, mitigate or offset

Feel free to edit or add any other items you would like to discuss.  
Jason

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Wednesday, March 6, 2013 12:03 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** Re: Planning for the BC - DFO Meeting

Hi Lisa. I am free after 2:15 today. I can call you this afternoon if you have time. Let me know. Jason

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** Wednesday, March 06, 2013 02:25 PM Eastern Standard Time  
**To:** Hwang, Jason  
**Cc:** Danks, Anthony ENV:EX <[Anthony.Danks@gov.bc.ca](mailto:Anthony.Danks@gov.bc.ca)>; Fanos, Brad  
**Subject:** FW: Planning for the BC - DFO Meeting

Hi Jason, just left you a voice message to follow-up in advance of the March 20<sup>th</sup> meeting. I was hoping to send an updated note out to folks on the upcoming meeting. Right now it is a place holder in their calendar without much information and I would like to give them a few more details. I would also like to send the meeting invite out to the appropriate DFO folks – I can start by sending it to you, Brad, Bonnie and Nick but feel free to let me know if there are others who plan on attending. Cheers, Lisa

---

**From:** Paquin, Lisa C ENV:EX  
**Sent:** Monday, March 4, 2013 9:59 AM  
**To:** 'Hwang, Jason'; 'Brad.fanos@dfo-mpo.gc.ca'  
**Cc:** 'Antcliffe, Bonnie'; Danks, Anthony ENV:EX; Howard, Sara ENV:EX  
**Subject:** Planning for the BC - DFO Meeting

Jason and Brad:

We are very pleased you and your colleagues from Ottawa are coming to Victoria to update us on the development of the Fisheries Act regulations. On behalf of the natural resource team here in Victoria, we want to ensure we are all on the same page for our March 20 meeting.

We understand the agenda is meant to cover policy work, reg. work and fisheries program restructuring. Although we are interested in a general update on federal progress, our desire is to use this time for some of the more specific areas of interest to British Columbia. Here are some of the policy and regulatory areas we would like to discuss:

1. How would commercial, recreational and aboriginal fisheries be defined in the regulation?
2. For BC, we currently manage our recreational fisheries using a low intensity model that considers ecosystems as well as species; we want to know how this will be recognized in the new regulations and policies.
3. We would like to understand how you will be defining ongoing productivity and how this will be implemented and measured.
4. How will you be defining and dealing with serious harm in the future, and what is your thinking in regard to policy and regulatory development in relation to this?
5. For low risk activities, what will the changes mean and how will we coordinate in the field?

We are not expecting draft language or wording, but would like to hear more about the intentions of where you are heading in these areas. We also understand there is going to be a policy session led by Nick Winfield prior to our meeting in Victoria, so we are hoping to hear some of the thinking coming from those discussions. As a result of this sharing of information, we will then be able to narrow our focus and input so it is of the most use to you.

We are finalizing a detailed table outlining BC's interests and advice, we hope to share it with all of you in advance of your internal policy discussions and to make our Victoria meeting as productive as possible.

In looking ahead over the next six months the provincial natural resource agencies would also like to discuss and understand:

- The respective roles of the federal government and province in coordinating project reviews;
- How the province and federal government can ensure a smooth transition through communication and training on the Fisheries Act changes for provincial operational staff; and
- As the policies and regulations are more fully developed it would be helpful to work through some case studies to gain a clearer understanding of how the new Fisheries Act will work.

Please feel free to give me a call if you have any questions about our expectations for the meeting. I am available until March 6<sup>th</sup> and after that, please feel free to contact Anthony Danks, Executive Director, Strategic Policy Branch, email: [Anthony.Danks@gov.bc.ca](mailto:Anthony.Danks@gov.bc.ca) , Ph: 250 387-8483.

Cheers,  
**Lisa Paquin,**  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Monday, March 4, 2013 7:39 AM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** Re: Planning for the BC-DFO Fisheries Meeting

Hi Lisa, here are a few thoughts to consider.

You might want to discuss what you think are important considerations or priorities in terms of coordinating with DFO in project reviews. Right now there are many arrangements with provincial Regional offices to coordinate project reviews, and it might be useful for DFO and BC to exchange views on this.

You might want to raise a point about key guidelines, standards and regulations that may need to be updated to be consistent with Fisheries Act changes.

Training and communication on the Fisheries Act changes for provincial operational staff may be of interest.

You might find it useful to discuss a case study or 2 to gain a clearer understanding on how the new Fisheries Act will work. BC may even want to generate your own examples to facilitate discussion on issues important to you.

I can't think of anything else right now, I think you have things well covered in your draft. Just a small edit to note - you want to add fisheries after recreational in point 2.

Jason

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**From:** Paquin, Lisa C ENV:EX [mailto:Lisa.Paquin@gov.bc.ca]  
**Sent:** Friday, March 01, 2013 11:53 PM Eastern Standard Time  
**To:** Hwang, Jason  
**Subject:** Planning for the BC-DFO Fisheries Meeting

*Jason, I thought I had sent it but it was sitting in my drafts. Please feel to review it and give me your feedback and I will send out to you, Brad and Bonnie on Monday. Cheers, Lisa*

Jason and Brad:

We are very pleased you and your colleagues from Ottawa are coming to Victoria to update us on the development of the Fisheries Act regulations. On behalf of the natural resource team here in Victoria, we want to ensure we are all on the same page for our March 20 meeting.

We understand the agenda is meant to cover policy work, reg. work and fisheries program restructuring. Although we are interested in a general update on federal progress, our desire is to use this time for some of the more specific areas of interest to British Columbia.

Here are some of the policy and regulation areas we would like to discuss:

1. How would commercial, recreational and aboriginal fisheries be defined in the regulation?
2. For BC, we currently manage our recreational using a low intensity model that considers ecosystems as well as species, we want to know how this will be recognized in the new regulations and policies.
3. We would like to understand how you will be defining ongoing productivity and how this will be implemented and measured.
4. How will you be defining and dealing with serious harm in the future, and what is your thinking in regard to policy and regulatory development in relation to this?
5. For low risk activities, what will the changes mean, how will we coordinate in the field?

We are not expecting draft language or wording, but would like to hear more about the intentions of where you are heading in these areas. We also understand there is going to be a policy session led by Nick Winfield prior to our meeting in Victoria, so we are hoping to hear some of the thinking coming from those discussions. As a result of this sharing of information, we will then be able to narrow our focus and input so it is of the most use to you.

We are finalizing a detailed table outlining BC's interests and advice, we hope to share it with all of you in advance of your internal policy discussions and to make our Victoria meeting as productive as possible.

Please feel free to give me a call if you have any questions about our expectations for the meeting. I am available until March 6<sup>th</sup> and after that, please feel free to contact Anthony Danks, Executive Director, Strategic Policy Branch, email: [Anthony.Danks@gov.bc.ca](mailto:Anthony.Danks@gov.bc.ca) Ph: 250 387-8483.

Cheers,  
**Lisa Paquin,**  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: Lisa, [Paquin@gov.bc.ca](mailto:Paquin@gov.bc.ca)

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, March 1, 2013 5:44 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** Re: message

Hi Lisa. I haven't seen a message from you. When did you send it?

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**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** Friday, March 01, 2013 08:06 PM Eastern Standard Time  
**To:** Hwang, Jason  
**Subject:** message

Hi Jason, feel free to let me know if you have changes to the message I sent.

Have a great weekend, Lisa



**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Tuesday, February 26, 2013 9:00 AM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** Re: Friday Catch-up

Page 319 redacted for the following reason:

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Not Responsive

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Tuesday, February 26, 2013 9:00 AM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** Re: Friday Catch-up

Hi Lisa. We are expecting to be able to meet in the March 20-22 period. You will get something a bit more official from us in the next day or on this also advising who we expect to attend from DFO. Right now it looks like me, Brad, probably Bonnie, and Nick Winfield and/or a key person or two from his group. I expect Brad, myself or Bonnie will send you something more formal shortly, but hopefully this gives you a sense of what we are thinking. Jason

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**From:** Paquin, Lisa C ENV:EX [mailto:[Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)]  
**Sent:** Monday, February 25, 2013 05:37 PM Eastern Standard Time  
**To:** Hwang, Jason  
**Subject:** Friday Catch-up

Hi Jason,

I hope you had a nice weekend. I wanted to thank you for the phone call on Friday. I really appreciated receiving your update and perspective, and am very pleased to hear that there is interest to come out and speak with BC in the near future. It would be great to confirm the timing of the meeting (week of March 18<sup>th</sup>) so we can check folks availability and block the time in their schedules. I know you mentioned that Nick Winfield will be coming out but I forgot to ask who else will be joining him. Will it be you, Brad and Bonnie?

Cheers,  
**Lisa Paquin,**  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, January 17, 2013 10:04 AM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** Check in

Hi Lisa, I was wondering if you are available to do a short call with me to check in on coordination around Fisheries Act changes. I am free today and tomorrow afternoon if you have time this week. If that doesn't work maybe you can let me know if you have some time next week? Thanks. Jason

Jason Hwang  
Area Manager, Ecosystem Management Branch  
BC Interior Area  
Fisheries and Oceans Canada  
985 McGill Pl., Kamloops, BC V2C 6X6  
(250) 851 4870

**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, September 20, 2012 1:36 PM  
**To:** Wilson, Andrew S FLNR:EX  
**Cc:** Paquin, Lisa C ENV:EX; Fanos, Brad  
**Subject:** FW: AGREEMENTS SEPT.xls  
**Attachments:** AGREEMENTS SEPT20.xls

Hi Andrew, here is the DFO list that Holly has been working on. Holly will be our key person, but please run all communication through me so I can coordinate. Let us know who the provincial leads will be.

Lisa, cc for you as per discussion this afternoon.

Jason

-----Original Message-----

**From:** Pulvermacher, Holly  
**Sent:** Thursday, September 20, 2012 11:39 AM  
**To:** Hwang, Jason  
**Subject:** FW: AGREEMENTS SEPT.xls

Hi Jason,

Please use the attached copy. I have added a couple notes in the column headers prompting them to add relevant comments and also assist us in identifying defunct or repealed agreements, guidelines, etc.

I do think it is worthwhile to provide some context to ensure we don't get a generic catalogue of documents back. The key objective being to capture agreements, obligations and tools that we are currently engaged in or rely on to carry out our business. On the other hand, there could be value in just seeing what they come up with - it may open our eyes to far more historical obligations as well as potential future tools we may come to rely on.

<<AGREEMENTS SEPT20.xls>>

Holly

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**From:** Hwang, Jason  
**Sent:** 2012-September-20 10:56 AM  
**To:** Pulvermacher, Holly  
**Subject:** RE: AGREEMENTS SEPT.xls

Brad is ok with you working on this with me and the BC folks. Can you let me know if this one is good to go to the province or if you want to edit it some first?

-----Original Message-----

**From:** Pulvermacher, Holly  
**Sent:** Wednesday, September 19, 2012 10:01 AM  
**To:** Fanos, Brad; Hwang, Jason  
**Subject:** AGREEMENTS SEPT.xls

If circulated, the comments should be left off - the vast majority have not been transferred to the document as we await more information on policy.

Useful objectives of circulating:

- determine status of agreements, committees, etc. - this is very difficult to discern from the documents
- identify key (Active) agreements, partnerships, etc. not on the list - if so, Area staff/managers should be prepared to forward the document and/or link to the document

- Recommended additions to the 'tombstone' data:

\* I would suggest "key contact" should be identified for both DFO and the partner agencies/industries

Attached file can also be found: <<<<[File:///R:/OHEB/Habitat Management/Fisheries Protection Program/AGREEMENTS\\_HP>>>>](#)

<< File: AGREEMENTS SEPT.xls >>

	Note: please take the time to add comments to existing Provincial Guidelines with respect to their current relevance (government or client reliance), status and if there are current initiatives planned to revise/replace/rescind any of these documents.	Status	Year	Author(s) / Signatories Lead	more relevant to guidelines/standards Externally Avail?	Geographic Area of Application	Comments: Please include a brief description of relevance of the agreement/guideline/committee to DFO's operational and legislative changes; include a key contact for additional information; and any other relevant comments.
1	<b>Key Legislation</b>						
2	Water Act	Active		BC	yes	BC	
3	Forest and Range Practices Act	Active	2002	BC	Yes	BC	
4	Resource Roads Act (under development)	Under Development		BC	Yes	BC	
5	Waste Management Act	Active		BC	Yes	BC	
6	Fish Protection Act	Active	1997	BC	Yes	BC	
7	Mackenzie Valley Resource Management Act	Active			Yes	BC-Mackenzie Valley	
8	Yukon Environmental and Socioeconomic Assessment Act	Active		Yukon	Yes	Yukon	
9	(BC) Environmental Assessment Act	Active			Yes	BC	
10	(BC) Fisheries Act	Active	1996	BC	Yes	BC	
11							
12	<b>Key Regulations</b>						
13	Riparian Areas Regulation	Active	2004			BC	
	Water Regulation	Active	2011	BC	Yes	BC	
14	Forest Planning and Practices Regulation	Active				BC	
15	Fisheries Act Regulations	Active	2012	BC	Yes	BC	
16	Yukon Fishery Regulations	Active		Yukon	Yes	Yukon	
17	BC Fishery Regulations	Active		BC	Yes	BC	
18	Streamside Protection Bylaws**	Active		Local Governments		BC-Municipal	
19	Prescribed Time Limits Regulation (BCEAA)	Active	2002			BC	
20	Reviewable Projects Regulations (BCEAA)	Active	2002			BC	
21	Spill Reporting Regulation	Active	2008	BC	Yes	BC	
	Assessable Activities, Exception & Executive Committee	Active	2012	GOC	Yes	Yukon	YESAA Related
	Decision Body Time Periods & Consultation Regulations	Active	2012	GOC	Yes	Yukon	YESAA Related
22							
23	<b>Key Standards</b>						
24	DFO Regional Habitat Regulatory Decision Framework	Under Revision . 09/12	2012	DFO-RHQ	No	Regional	
25	CP Rail Routine Maintenance Works in SEBC (need details)	Under development		DFO-BCH-BCTC-MoE		SEBC	
26	BC Hydro Approved Work Practices for Riparian Vegetation Removal	Active		DFO-BCH-BCTC-MoE		BC	



27	BC Hydro AWP Marine Coastal and Lakeshore Areas (Draft 2, 2004)	Draft?		DFO-BCH-BCTC-MoE		BC	
28	BC Hydro Draft Sub-agreement to the AWPRV for North Central BC (2003)	Unknown		DFO-BCH-BCTC-MoE		BCI North	
29	BC Hydro AWP for Submarine Cable Maintenance (FW and Marine) 2008	Active		DFO-BCH-BCTC-MoE		BC	
30	Fish Entrainment Strategy	Active	2005	DFO-RHQ		BC	
31	Fish-Stream Crossing Guidebook (1)		2002	MOF, MOE & Mag		BC	
32	Agriculture Building Setbacks**	2011		Mag		BC	
33	Habitat Officers Terms and Conditions for Changes in and about a stream (specified by MoE Habitat Officers during Water Act approvals)	Active	n/a	MoE	Yes	BC	
34							
35	<b>Informal/Formal Agreements</b>						
36	<b>DFO</b>						
37	<b>Regional</b>						
38	Pacific North Coast Integrated Management Plan (PNCIMA)				No	NCA	
39	Pacific Region Compliance Protocol	Active	2012	DFO-HMP, C&P	No	Regional	
40	<b>National</b>						
41	Compliance and Enforcement Policy for the Habitat Protection Provisions of the Fisheries Act (2001)	Active	2001	DFO-HMP, C&P	Yes	National	
42	Interim Approach for Determining Scope of Project for Major Development Proposals with Specific Regulatory Triggers under the CEAA (Dec 13, 2006)				No?	National	
43							
44	<b>Province of BC (Province is partner in many other multi-stakeholder)</b>						
46	Intergovernmental Cooperation Agreement Respecting the Implementation of BC Riparian Areas Regulation	Active		BC/DFO/UBCM	Yes	BC	
47	Canada-BC Fish Habitat Management (2000)	Active			Yes	BC	
48	Canada-BC Agreement on Environmental Assessment Cooperation (2004)				Yes	BC	
49	Canada-BC Water Quality Monitoring Agreement (1985)				Yes	BC	
50	Water Act Modernization	Active			Yes	BC	
51	DFO (North Coast) and Forestry Agencies MOU - Regarding Whales	Expired			Yes	NCA	
52							
53	<b>Yukon Government</b>						
54	Yukon Placer Record of Agreement	Active			Yes	Yukon	
55	An Integrated Regulatory Regime for Yukon Placer Mining	Active			Yes	Yukon	
56	Yukon Final Umbrella Agreement - Yukon First Nations	Active			Yes	Yukon	
57	Interim Operational Working Arrangement on Enforcement of Section 36(3) Fisheries Act between Environment Canada and Department of Fisheries and Oceans Pacific and Yukon (2006)	Active	2006		Yes	Yukon	

58	Environment Canada Pacific and Yukon Interim Guidance for Addressing Water Quality for Work in and Around Water (2008)	Active	2008		Yes	Yukon	
59	Canada-Yukon Agreement on Environmental Assessment Cooperation (2004)	Expired	2004		Yes	Yukon	Replaced once YESAA in force
60	Letter of Understanding Concerning Government Response to Spills in the Yukon	Active	2004	DFO-Multiple branches of Yukon Gov't, and Fed Depts	Yes	Yukon	
63							
64	Other Agencies						
65	Agreement with B-C Oil and Gas Commission	Inactive		OGC, DFO			
66	Memorandum of Understanding between Fisheries and Oceans Canada and Environment Canada on the Subject of the Administration of Section 36(3) of the Fisheries Act (1985)	Active	1985		Yes		
67	Letter of Agreement: Lower Fraser River Gravel Removal Plan (2004)	Expired, 2009	2004-2009				
68	Agreement with PWGSC	Expired, Unknown					
69							
70	Local Government						
71	Memorandum of Understanding on Fish Habitat Management between the Federation of Canadian Municipalities (FCM) and the Department of Fisheries and Oceans Canada (DFO)	unknown	2010 (?)	DFO-FCM	Yes	National	Reviewable after 3 years
72							
73	First Nations (Intended to capture direct partnerships/agreements)						
74	Nisga'a Final Treaty						
75	Add'l						
76	Industry						
77	MOU between the Canadian Electricity Association and Fisheries and Oceans Canada	Active				National	
78	Protocol Agreement for Maintenance Work in and Around Water Associated with BC Hydro and BCTC Infrastructure	Active	2009	BCH/BCTC/DFO/MoE			
79	Compliance Protocol between BC Hydro/DFO/MoE	Active		BCH/BCTC/DFO/MoE		BC	
80	Various Habitat Banking Agreements (define?)				Yes		
81	Settlement Agreement for Water Flows for the Nechako - Alcan (need copy)	Active		DFO-Alcan-MoE	Yes	Nechako	
82	Memorandum of Agreement for the Management of Select Coal Mining Impacts on Fish and Fish Habitat within the Elk Valley, BC	Under Development?	2011	DFO-Elk Valley Coal	Yes		
83	Fish Entrainment Strategy	Active	2005		Yes		
84							
85	Multi-Stakeholder						

86		Note many of the integrated planning partnerships have various levels of agreements and partnerships governing the development and management of the related plans and practices						
87								
88	<b>Alternative Delivery Mechanisms</b>							
89	BC	Burrard Environmental Review Committee (BERC)			BERC/DFO/EC/TC/MVPA	Yes		
90		Fraser River Estuary Management Plan - Environmental Review Committee (ERC)			ERC/DFO/EC/TC/MVPA	Yes		
91		Joint Review Committee - BCI			DFO-BCI, MoE, MoFLNRO (Water)	No		
92		Environmental Review Committee - East Kootenay (need info)						
93	Yukon	Yukon Environmental and Socioeconomic Assessment Board						
94								
95	<b>Committees</b>							
96		Fish Passage Technical Working Group	Active			n/a		
97		Joint Steering Committee	Active			n/a		
98		Joint Management Committee	Active			n/a		
99		SEHAB	Active			n/a		
100		RAR Steering Committee	Active			n/a		
101		RAR Coordinating Committee	Active		DFO (Area & Region)/MoFLNRO (Regions & HQ)	n/a		
102		Fish, Wildlife & Hydro Policy Committee (Dec 2004) -	Active			n/a		
103		Fish/Hydro management Committee	Active			n/a		
104		Nechako Fisheries Conservation Program	Active			n/a		
105		Habitat Farmland Committee	Active			n/a		
106		Drought Management Committee	Active			n/a		
107		Coast Forest Industry Working Group	Active		DFO/Coastal Forest Industry	n/a		
108								
109	<b>Key Guidelines &amp; BMPs</b>							
110		Guidelines for Federal/Provincial/Territorial Agreements on Fish Habitat Management (Not related to FA changes but should be used to inform future agreements for improved consistency)	Needs Updating and Circulation/Adherence					
112								
113	<b>Forestry</b>							
114		Coastal and Interior Watershed Assessment Procedure Guidebook (CWAP/IWAP) (24)	Active	1999	MOF			
115		Fish-Stream Crossing Guidebook (1)	Active	2002	MOF, MOE &			
116		Guidebook: Environmentally Sustainable Log Handling Facilities in British Columbia (11)	Active	2003	DFO			
117		Riparian Area Management Guidebook (10)	Active	1995	MOF, MOE			

118	AWP's for Helicopter Log Drop Sites in Marine Waters of British Columbia (42)	Active	2011	DFO, BCTS, CFPA			
119	AWP's for Re-activated Log Dumps in Marine Waters of British Columbia (43)	Active	2011	DFO, BCTS, CFPA			
120	Best Management Practices for Helicopter Drop Sites for the South Coast Area (replace with #42 above)	Active	2007	DFO South Coast			
121	Riparian Buffer Zone (template letter - LG7)	Active	2004	DFO North Coast			
122							
123	<b>Agriculture</b>						
124	B.C. Agricultural Drainage Manual Factsheet (26)	Active	1997	MAFF			
125	Environmental Farm Planning - Reference Guide (16)	Active	2005	MAFF, DFO, WLAP			
126	Environmental Farm Planning - Drainage Management Guide (16)	Active	2005	MAFF, DFO, WLAP			
127	Environmental Farm Planning - Grazing Management Guide (16)	Active	2005	MAFF, DFO, WLAP			
128	Environmental Farm Planning - Irrigation System Assessment Guide (16)	Active	2005	MAFF, DFO, WLAP			
129	Environmental Farm Planning - Nutrient Management Reference Guide (16)	Active	2005	MAFF, DFO, WLAP			
130	Environmental Farm Planning - Riparian Management Field Workbook (16)	Active	2005	MAFF, DFO, WLAP			
131	Agricultural Ditch Maintenance, Lower Fraser Valley and Vancouver Island (LG9)	Active	2001	MAFF, MELP, DFO			
132							
133	<b>Urban and Rural Development</b>						
134	Access Near Aquatic Areas (25)	Active	1996	FRAP, DFO, WLAP			
135	Control and Removal of Invasive Plant Species from Riparian Areas of British Columbia (45)	Active	2009	DFO			
136	Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia (replaces Environmental Best Management Practices for Urban and Rural Land Development in BC - 2004- not commonly used)	Active	2006	MOE			
137	Environmental Guidelines for Vegetation Management on Flood Protection Works to Protect Public Safety and the Environment (36)	Active	1999	MELP, DFO			
138	Greening your B.C. Golf Course - A Guide to Environmental Management (17)	Active	1997	DFO, EC			
139	Land Development Guidelines for the Protection of Aquatic Habitat (3)	Active	1992	DFO, MELP			
140	Marina Development Guidelines for the Protection of Fish and Fish Habitat (14)	Active	1995	DFO, MELP			
141	Shoreline Structures Environmental Design (37)	Active	2002	DFO, CWS			
142	Standards and Best Practices for Instream Works (9)	Active	2004	MOE			
143	Stormwater Planning: A Guidebook for BC (19)	Active	2002	MOE, EC			
144	Urban Stormwater Guidelines and BMP's for Protection of Fish and Fish Habitat	Active	2004	DFO			
145							
146	<b>General</b>						



147	Beach Grooming Guidelines – Lake Environments in the Columbia Basin (LG18)	Active	2005	DFO BC Interior			
148	Beaver Management Guidelines (15)	Active	2001	WLAP Van Is. Region			
149	Best Management Practices for Boat Launch Construction & Maintenance on Lakes (LG20)	Active	2006	BC Env., Okanagan Region			
150	Best Management Practices for Constructing Erosion Control Structures in the South Coast Area (LG14)	Active	2004	DFO South Coast			
151	Best Management Practices for Constructing Docks and Floats in the South Coast Area (LG15)	Active	2004	DFO South Coast			
152	Best Management Practices for Hazard Tree and Non-Hazard Tree Limbing, Topping, or Removal	Active	2006	BC Env., Okanagan Region			
153	BMP's for Installation and Maintenance of Water Line Intakes (LG30); DFO Addendum (2008)	Active	2006	MOE, Okanagan Region			
154	Best Management Practices for Lakeshore Stabilization	Active	2006	BC Env., Okanagan Region			
155	Best Management Practices for Marine Maintenance Dredging in the South Coast Area	Active	2004	DFO South Coast			
156	Dredge Management Guidelines	Active	2005	FREMP			
157	Fuel Wood Reduction Projects	Active	2004	DFO Yukon TransBdy			
158	Guidelines for the Management of Beaver in Fish-Bearing Streams in the Yukon; and Powerpoint	Active	1998	DFO Yukon TransBdy			
159	Guidelines for Foreshore Works in the Yukon River Upper Lakes Area (LG3)	Active	1998	DFO Yukon TransBdy			
160	Guidelines for Geothermal Loop Installation – Lake Environments in the Columbia Basin (LG22)	Active	2007	DFO BC Interior			
161	Guidelines for Water Intake Installation – Lake Environments in the Columbia Basin (LG23)	Active	2006	DFO BC Interior			
162	Interim Standards for Lakeshore Erosion Protection in the Columbia Basin (LG24)	Active	2007	DFO BC Interior			
163	Recreational Events or Activities Held on Frozen Lakes and Rivers in the Yukon (LG4)	Active	2004	DFO Yukon TransBdy			
164	Tree Replacement Criteria - Lower Fraser 1996 (LG11)	Active	1996	BC Env., L. Mainland Reg. / DFO BC Interior			
165	and Planting Criteria - Lower Mainland 1998	Active					
166	and Tree Replacement Criteria - Kamloops	Active					
167							
168	<b>Roads, Linear Developments, Stream Crossings, and Rights of Way</b>						
169	Approved Work Practices for Managing Riparian Vegetation (31)	Active	2003	BCH, BCTC, DFO, MOE			
170	Approved Work Practices for Submarine Cable Maintenance (44)	Active	2008	BC Hydro; BCTC; DFO; WLAP			
171	Best Management Practices for Highway Maintenance Projects (6) particularly when supplemented with:	Active	2004	MOTH			
172	Design Build Standard Specification for highway construction - Part 165- Protection of the Environment(5)	Active	2006	MOTH			
173	BMPs for Pile Driving and Related Operations (13)	Active	2003	MPDA			
174	Culvert and Fish Passage Fact Sheet (33)	Active	2000	MOTH			
175	Fish-Stream Crossing Guidebook (1)	Active	2002	MOF			

176	Guidelines for the Protection of Fish and Fish Habitat During Bridge Maintenance Operations in British Columbia (7) Where it applies, use Operational Statement instead.	Active	1991	DFO			
177	Guidelines for the Use of Explosives in or near Canadian Fisheries Waters (2)	Active	1998	DFO			
178	Guidelines to Protect Fish and Fish Habitat From Treated Wood Used in Aquatic Environments in the Pacific Region (12)	Active	2000	DFO			
179	National Guide to Erosion and Sediment Control on Roadway Project (38) (find title under "Environment")	Active	2003	TAC			
180	2nd draft (38)	Active					
181	Pipeline Associated Watercourse Crossings (3rd Ed) (5)	Active	2005	CAPP, CEPA, CGA			
182	Practitioners Guide to Fish Passage for DFO Habitat Management Staff (41)	Active		DFO			
183	Standards and Best Practices for Instream Works (9)	Active	2004	WLAP			
184	Stream Crossing Planning Guide (34)	Active	2004	OGC			
185		Active					
186	Bridge Washing Guidelines (LG1) Also see Operational Statement for Bridge maintenance	Active	2002	Yukon Territorial Gov.			
187	Integrated Streambank Protection Guidelines (LG29)	Active	2003	Wash State F&W			
188	Yukon Fording Guideline (LG6) also see Operational Statement	Active	2002	DFO Yukon TransBody			
189							
190	Introduction to the Small Hydroelectric Facilities Risk Analysis and Decision Framework	Active					
191							
192	<b>Water Withdrawal, Intake Screening &amp; Hydroelectric Development</b>						
193	Approved Work Practices for Managing Riparian Vegetation (31)	Active	2003	BC Hydro, BCTC, DFO, WLAP			
194	Environmental Impact Statement Guidelines for Screening Level Review Under the Canadian Environmental Assessment Act for Independent Small Hydro Power Projects in British Columbia: <u>Cover Letter</u> ; Guide ; Append D, TC ; Append E, EC ; Summary ; Mamquam template (39)	Active	2007	DFO			
195	Freshwater Intake End of Pipe Fish Screen Guidelines (4)	Active	1995	DFO			
196	Guidelines for minimizing entrainment and impingement of aquatic organisms at marine intakes in British Columbia	Active	1991	DFO			
197	Guidelines for the Use of Explosives in or near Canadian Fisheries Waters (2)	Active	1998	DFO			
198	Flow Ramping Guidelines (Knight Piesold) ; Report ; Figure 2.1 ; 2.2 ; 2.3 ; 2.4 ; 2.5 ; 2.6 ; 2.7 ; 4.1 ; 4.2 ; 4.3 ; Tab 6.1 ; 6.2 ; 6.3 (21)	Active	2005	DFO			
199	British Columbia Instream Flow Guidelines for Fish (8)	Active					
200	Assessment Methods for Aquatic Habitat and Instream Flow Characteristics in Support of Applications to Dam, Divert or Extract Water from Streams in BC (8)	Active					

201	Instream Flow Thresholds for Fish and Fish Habitat as Guidelines for Reviewing Proposed Water Uses - Synopsis (8)	Active	2004	MOE, MRSM			
202	Standards and Best Practices for Instream Works (9)	Active	2004	WLAP			
203	Small Hydroelectric Facilities Risk Analysis and Decision Framework	Active	2011	DFO			
204	Introduction to the Small Hydroelectric Facilities Risk Analysis and Decision Framework	Active	2011	DFO			
205	Non-Fish Bearing Status Confirmation for Small Hydro Power Projects in South Coast Region (MoFLNRO, Sept 2011 Draft)*	Active					
206	Guidance Framework Document for Impact Assessment on Fish Habitat from Groundwater Extraction Projects (LG40)	Active	2005	DFO (Thurber)			
207	Guidelines for Water Intake Installation – Lake Environments in the Columbia Basin (LG23)	Active	2006	DFO BC Interior			
208	BMP's for Installation and Maintenance of Water Line Intakes (LG30), DFO Addendum (2008)	Active	2006	MOE, Okanagan Region			
209							
210	<b>Aquaculture</b>						
211	Interim Guide To Information Requirements For Environmental Assessment Of Marine Finfish Aquaculture Projects (28)		2002	DFO			
212							
213	<b>Mining</b>						
214	Aggregate Operators BMP Handbook for BC (30)	Active	2002	MEM			
215	Yukon Chamber of Mines: Yukon Mineral and Coal Exploration Best Management Practices and Regulatory Guide (46)	Active					
216	Placer Mining Best Management Practices Handbook	Under Development (2012)	n/a	BC/Taku R. Tlingit/Atlin Placer Miners Assoc.			
217	Fish Habitat Protection Guidelines for Placer Mining (LG27)	Active	2002	DFO BC Interior			
218	Fish Habitat Protection Guidelines for Placer Mining - Acceptable Practices for Hand Mining (LG26)	Active	2002	DFO BC Interior			
219	Fish Habitat Protection Guidelines for Placer Mining on Fraser River Gravel Bars (LG25)	Active	1997	DFO BC Interior			
	Guidebook for Mitigation Measures for placer Mining in the Yukon	Active	2010		Yes	Yukon	
220							
221	<b>Oil and Gas Development</b>						
222	Stream Crossing Planning Guide (34)	Active	2004	OGC			
223							
224							



**Paquin, Lisa C ENV:EX**

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**From:** Hwang, Jason [Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Thursday, August 30, 2012 12:46 PM  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** Re: Federal Fisheries Act Changes - BC's initial questions and observations

Thanks for this Lisa. See you next week. Jason

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** Thursday, August 30, 2012 01:02 PM  
**To:** Hwang, Jason; Fanos, Brad  
**Cc:** Danks, Anthony ENV:EX <[Anthony.Danks@gov.bc.ca](mailto:Anthony.Danks@gov.bc.ca)>; Ennis, Kyleen; Howard, Sara ENV:EX <[Sara.Howard@gov.bc.ca](mailto:Sara.Howard@gov.bc.ca)>; Wilson, Andrew S FLNR:EX <[Andrew.Wilson@gov.bc.ca](mailto:Andrew.Wilson@gov.bc.ca)>  
**Subject:** Federal Fisheries Act Changes - BC's initial questions and observations

Hello Jason and Brad,

As a follow-up to our conversation last week, I am sharing BC's initial questions and observations on the federal *Fisheries Act* changes in advance of the September 4<sup>th</sup> meeting.

Cheers,  
**Lisa Paquin**  
Director  
IGR and External Relations Branch  
Strategic Policy Division  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: Lisa. [Paquin@gov.bc.ca](mailto:Paquin@gov.bc.ca)

**Paquin, Lisa C ENV:EX**

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**From:** Paquin, Lisa C ENV:EX  
**Sent:** Thursday, November 21, 2013 5:24 PM  
**To:** 'Jason.Hwang@dfo-mpo.gc.ca'  
**Cc:** Feyrer, Laura ENV:EX  
**Subject:** Re: DFO engagement sessions

Thx Jason, it would be great if you could copy the meeting invites when you send out the call details next week. Cheers,  
Lisa

---

**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Thursday, November 21, 2013 05:11 PM Pacific Standard Time  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Feyrer, Laura ENV:EX  
**Subject:** RE: DFO engagement sessions

Hi Lisa and Laura. Should I copy the meeting invites for next week to Barron, Vickie, Larry and Laura for the respective meetings, or do you want me to send them through you guys?

Here is a list of who the Industry Group represents - I don't have many confirmations back yet so I am not sure who will actually come. There has been strong attendance in previous sessions.

- BC Hydro
- Clean Energy BC
- Innergex
- BC Mining Association
- Interfor
- Trans Canada Pipelines
- Port Metro Vancouver
- BC Business Council
- RioTintoAlcan
- Coast Forest Products Assoc
- COFI
- Ecofish Research
- Stantec

-----Original Message-----

From: Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
Sent: November-21-13 3:04 PM  
To: Hwang, Jason  
Cc: Feyrer, Laura ENV:EX  
Subject: RE: DFO engagement sessions

Hi Jason, no worries if we aren't able to join the Clean Energy BC discussion. We have folks who are interested in listening to the engagement sessions next week so if you could forward along the dial in details. We have indicated that we are "listening" to the discussions.

Would you also be able to give us an idea of which organizations will be participating in the "industry group" on Wednesday afternoon?

Monday - Barron Carswell and Vickie Marshall Tuesday - Wednesday morning - Larry and Laura Wednesday afternoon - tbd

Cheers,

Lisa Paquin, Director

IGR and External Relations Unit

Strategic Policy Division

B.C. Ministry of Environment

Ph: 250-387-9661

Email: Lisa. [Paquin@gov.bc.ca](mailto:Paquin@gov.bc.ca)

-----Original Message-----

From: Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]

Sent: Wednesday, November 20, 2013 1:38 PM

To: Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX; Witt, Andy FLNR:EX

Subject: RE: DFO engagement sessions

That meeting is being hosted by Clean Energy BC in their offices. I will ask if a conference line is an option. I will let you know. Jason

-----Original Message-----

From: Paquin, Lisa C ENV:EX [mailto:Lisa.Paquin@gov.bc.ca]

Sent: November-20-13 12:32 PM

To: Hwang, Jason; Feyrer, Laura ENV:EX; Witt, Andy FLNR:EX

Subject: RE: DFO engagement sessions

Thank you Jason, we are definitely interested and would appreciate the dial-in information. I am assuming dial-in isn't an option for the Tuesday face-to face meeting. Cheers, Lisa

-----Original Message-----

From: Hwang, Jason [mailto:Jason.Hwang@dfo-mpo.gc.ca]

Sent: Tuesday, November 19, 2013 3:54 PM

To: Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX; Witt, Andy FLNR:EX

Subject: DFO engagement sessions

Hi everyone. BC is welcome to join DFOs external engagement sessions next week. Here is our plan:

Monday afternoon 1:30 to 4 (PSF, BCWF, BCCF) 2 or 3 will join in person in Vancouver and 2 or 3 on conf call.

Tuesday afternoon (Clean Energy BC). Meeting in Vancouver 1:30 to 4:00

Wednesday Morning (Marine Conservation Caucus) conference call 10:00 to

12

Wed afternoon 130 - 4:00 (meet in Vancouver + conf call) industry group

I can send along more details later this week.

Jason

**Paquin, Lisa C ENV:EX**

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**From:** Paquin, Lisa C ENV:EX  
**Sent:** Thursday, November 21, 2013 5:21 PM  
**To:** 'Jason.Hwang@dfo-mpo.gc.ca'  
**Subject:** Re: CCFAM session next week

Thx Jason. I appreciate you sharing this with me. I understand the agenda has yet to be released. Cheers, Lisa

---

**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Thursday, November 21, 2013 04:56 PM Pacific Standard Time  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** CCFAM session next week

Hi Lisa, I expect you may already have this information, but here is what has been shared with me for the CCFAM session next week in case it helps BC with any preparations. At this point I have not seen the specific supporting documents that will be used. If you would like to discuss any of this let me know. Jason.

- Working Session on Fisheries Protection Policy Statement and Fisheries Investment Policy  
(*Nicholas Winfield, Ecosystems and Fisheries Management, Fisheries and Oceans Canada*)
- Working Session on Fisheries Protection Program's operational framework.  
(*Chad Zial, Ecosystems and Fisheries Management, Fisheries and Oceans Canada*)
- Working Session on Fisheries Protection Program's self-assessment tool.  
(*Chad Zial, Ecosystems and Fisheries Management, Fisheries and Oceans Canada*)
- Working Session on consideration of commercial, recreational, and aboriginal fisheries and fisheries management objectives.  
(*Nicholas Winfield, Ecosystems and Fisheries Management, Fisheries and Oceans Canada*)
- Roundtable: Discuss agenda items and outcomes for next IFC call in 6 weeks (proposed January 9, 2014, 13:00 – 14:00 EST).

To ensure that Committee members come prepared to the meeting, Nic's team is developing, for each working session, a list of reference material for them to read prior to meeting. We are hoping that this will allow P/Ts members to identify key issues, questions and even share suggestion/best practices.

**Paquin, Lisa C ENV:EX**

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**From:** Paquin, Lisa C ENV:EX  
**Sent:** Friday, November 15, 2013 4:30 PM  
**To:** 'Jason.Hwang@dfo-mpo.gc.ca'  
**Subject:** Re: Voice Message Follow-up

Hi Jason,

You are not being pushy at all. I will try and touch base with Andy on Monday. I am not aware of anything tying him up.

I'll also send you a meeting invite for early next week.

Have a great weekend, Lisa

---

**From:** Hwang, Jason [mailto:Jason.Hwang@dfo-mpo.gc.ca]  
**Sent:** Friday, November 15, 2013 03:44 PM Pacific Standard Time  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** RE: Voice Message Follow-up

Hi Lisa – thanks for the reply. My inquiry was with regard to connecting with Andy. I emailed him last week, and I followed up with a call this week and so far I have not heard back. I was just wondering if you knew if he has been away or otherwise occupied? I am not meaning to be pushy or anything like that, I just wanted to follow up with you to see if there was something I wasn't aware of in terms of Andy's availability.

In terms of other follow up, I am reasonably available next week. I am tied up Monday until about 2:00, but fairly open otherwise. Do you want to send a meeting invite for a time that works for you?

Thanks. Jason

---

**From:** Paquin, Lisa C ENV:EX [mailto:Lisa.Paquin@gov.bc.ca]  
**Sent:** November-15-13 3:37 PM  
**To:** Hwang, Jason  
**Cc:** Feyrer, Laura ENV:EX  
**Subject:** Voice Message Follow-up

Hi Jason,

Thank you very much for the voice message today. I am sorry I wasn't able to follow-up.

Laura and I would like to set up at time to speak with you next week. I understand that you and Laura have had a follow-up discussion since the last call and one of the items discussed was the operational and strategic level follow-up. Have you been able to touch base with Andy on the operational piece? I also understand you have agreed to prepare an outline of the Strategic discussion based on DFO's interests. We are still in the process of reviewing all the materials and will also want to contribute to the outline from BC's perspective s.16

s.16 One of the other pieces of follow-up was to check in with you to see if the meeting summary and follow-up items reflected your understanding of the discussion.

Is there a good day that works for you next week. s.22 and I am around all week. Cheers, Lisa

**Paquin, Lisa C ENV:EX**

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**From:** Paquin, Lisa C ENV:EX  
**Sent:** Thursday, October 31, 2013 12:33 PM  
**To:** 'Jason.Hwang@dfo-mpo.gc.ca'  
**Subject:** Re: draft agenda

I'll have time tomorrow. I am in meetings all day today. Cheers, Lisa

---

**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Thursday, October 31, 2013 12:09 PM Pacific Standard Time  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** RE: draft agenda

Hi Lisa, It might be good if we have a quick call. Let me know if you have time today or tomorrow. Jason.

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** October-31-13 9:35 AM  
**To:** Hwang, Jason  
**Subject:** Re: draft agenda

I would like to know all parties if possible. Thx, Lisa

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**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Thursday, October 31, 2013 09:19 AM Pacific Standard Time  
**To:** Paquin, Lisa C ENV:EX  
**Subject:** RE: draft agenda

Hi Lisa. Are you wondering who in the BC Gov't or all parties in BC?

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** October-30-13 4:57 PM  
**To:** Hwang, Jason; Feyrer, Laura ENV:EX  
**Subject:** RE: draft agenda

Thank you for your note Jason, we appreciate the update. If the information is available, it would be great to know who in BC was sent a copy of the documents. Cheers, Lisa

---

**From:** Hwang, Jason [<mailto:Jason.Hwang@dfo-mpo.gc.ca>]  
**Sent:** Wednesday, October 30, 2013 4:23 PM  
**To:** Paquin, Lisa C ENV:EX; Feyrer, Laura ENV:EX  
**Subject:** draft agenda

Hi Lisa and Laura. I have done up a draft for a meeting agenda but we are still sorting it out - with the Policy etc being circulated yesterday we are working to clarify where things are at. I will get it to you shortly once we get sorted on our end. Jason.



**Paquin, Lisa C ENV:EX**

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**From:** Paquin, Lisa C ENV:EX  
**Sent:** Thursday, September 26, 2013 8:59 AM  
**To:** 'Jason.Hwang@dfo-mpo.gc.ca'  
**Subject:** Can you call me

Hi Jason, our network is down and I can't access you contact info. Would you mind phoning me?  
250-387-9661.  
Thx, Lisa

Page 340 redacted for the following reason:

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Not Responsive

**Paquin, Lisa C ENV:EX**

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**From:** Paquin, Lisa C ENV:EX  
**Sent:** Wednesday, August 21, 2013 3:59 PM  
**To:** 'Fanos, Brad'  
**Cc:** 'Hwang, Jason'; Feyrer, Laura ENV:EX  
**Subject:** FW: 2013 UBCM Convention - Information Bulletin 2

Hi Brad,

I have attached the recent UBCM Convention Newsletter and I was pleased to see there is a Changes to the Fisheries Act Clinic taking place on the Tuesday morning. I was just wondering if your group is leading this clinic? Cheers, Lisa



Bulletin%202.pdf

## 2013 Convention Highlights

In addition to setting UBCM policy, members will again have the opportunity to expand their knowledge through the following sessions:

**Monday:** Pre-conference sessions  
**Tuesday:** Forums, Plenary Session & Provincial Policy Sessions  
**Wednesday:** Official Opening, Keynote & Cabinet Panels  
**Thursday:** Workshops

There are also several speakers of note throughout the week. Wednesday afternoon includes an address by FCM President Mayor Claude Dauphin and Hon. Coralee Oakes, Minister of Community,

Sport & Cultural Development. The Green Party Deputy Leader, Andrew Weaver, and Leader of the Official Opposition, Adrian Dix, will speak on Thursday. On Friday morning, Minister James Moore will address delegates on behalf of the Government of Canada, the UBCM President elect will be installed, and Premier Christy Clark will speak at 11:00 a.m.

And of course, the 2013 Convention will again provide an opportunity for our members to engage in valuable debate during the resolutions sessions - **watch for your Annual Report and Resolutions book to arrive in the mail next week.**

## Strong Fiscal Futures

A Blueprint for Strengthening BC Local Governments' Finance System

This plenary, scheduled for Tuesday, September 17, features a presentation of the July 2013 report from the UBCM Select Committee on Local Government Finance. Policy Paper #1, which seeks endorsement of the report, will be debated on Sept. 18. Consequently, this session is designed to inform that debate and to allow members to ask questions of the Committee prior to considering the Policy Paper.

Finance system reform has been an important priority for the UBCM Executive, and the report proposes a number of key directions aimed at improving the way services and infrastructure are financed through smarter expenditures and fairer, more economically responsive revenue tools. If endorsed by the membership, these key directions can establish a policy framework for the reform over the next decade or more.

**A Green Policy Book will be sent to all members next week** - come prepared for an engaging dialogue on finance with members of the Committee.

From 1970-1978, Mr. Lewis was leader of the Ontario New Democratic Party, during which time he became leader of the Official Opposition.

Mr. Lewis is the author of the best-selling book, *Race Against Time*. He holds 35 honorary degrees from Canadian universities, as well as honorary degrees from Dartmouth College and Johns Hopkins University in the United States.

In 2003, Stephen Lewis was appointed a Companion of the Order of Canada, Canada's highest honour for lifetime achievement.

## 2013 Keynote Speaker: Stephen Lewis



Stephen Lewis is scheduled to deliver his keynote address on Wednesday, Sept. 18. Photo credit: Gordon Griffiths

**S**tephen Lewis is a Distinguished Visiting Professor at Ryerson University in Toronto. He is the board chair of the Stephen Lewis Foundation, which is dedicated to turning the tide of HIV/AIDS in Africa, and he is co-founder and co-director of AIDS-Free World, an international advocacy organization.

Mr. Lewis is a Senior Fellow of the Enough Project. He is an immediate

past member of the Board of Directors of the Clinton Health Access Initiative, and Emeritus Board Member of the International AIDS Vaccine Initiative. He served as a Commissioner on the Global Commission on HIV and the Law; the Commission's landmark report was released in July 2012.

Stephen Lewis' work with the United Nations spanned more than two decades. He was the UN Secretary-General's Special Envoy for HIV/AIDS in Africa from June 2001 until the end of 2006. From 1995 to 1999, Mr. Lewis was Deputy Executive Director of UNICEF at the organization's global headquarters in New York.

From 1984 through 1988, he was Canada's Ambassador to the United Nations.

## Clinics at a Glance

Rooms*	Tuesday	Wednesday	Thursday
	7:30 am – 8:30 am	7:30 am – 8:15 am	7:30 am – 8:15 am
<b>Room 11, VCC</b>	Stewardship of Sustainable Services, Assets and Finances	Youth Online: Mobilizing Against Exploitation & Bullying	Canada - European Union Trade Negotiations
<b>Room 12, VCC</b>	Local Food Systems: Context and Need	8 Habits of Effective Citizen Engagement	Best Practices: Mobile Business Licencing
<b>Room 13, VCC</b>	Respect in the Workplace	Enhancing Local Government Collaboration	Navigating Child Care - The \$10/day Plan
<b>Room 14, VCC</b>	Changes to the Fisheries Act	Wildfire, Community Protection & Participation	Avoiding Personal Liability
<b>Room 8/15, VCC</b>	What Does Rural BC Need to Succeed?	Closer to Derelict Vessel Solutions?	RCMP Contract: How Well is it Working?

## Banquet Entertainment: Roman Danylo

For over 20 years, Roman Danylo has been an entertainer, emcee, and keynote speaker for some of the biggest names in the corporate world. Roman uses his comedy improv skills to team-build, brainstorm, and break the ice. Sharp, funny, and quick on his feet, Roman is a delight in everything he does.

Roman has guest hosted several episodes of CBC Radio's *The Debaters* and was featured in the television series for the show. He has appeared or starred in several Canadian TV series including CTV's *Corner Gas*, CBC's *Made in Canada*, CTV's *The Holmes Show* and on *The*



Roman Danylo is scheduled to perform during the Annual Banquet on Thursday, Sept. 19.

Comedy Network's *Just For Laughs Improv Championships* and many more. For five years, he starred in his own sketch comedy series on CTV and Spike TV called *Comedy Inc.* In 2004, Roman won a Leo Awards for his performance in CBC's *Western Alienation Comedy Hour* and has been nominated twice for a Gemini for performance in *Comedy Inc.*

## Workshops & Policy Sessions

### Monday (Pre-conference)

#### Agricultural Study Tour

Tools, Resources & Funding for Local Governments

A Snapshot of the Local Government-First Nations Landscape

**Environment Session:** Building and Protecting Sustainable Communities

Designing Communities for Better Health - Walking Tour

BC Mayors' Caucus

### Tuesday (Pre-conference)

Partnerships in Trades Training

Local Government Elections Reform

BC's Off-Reserve Aboriginal Action Plan

Exploring a BC Crime Prevention Strategy

Funding 911 Services – Is a Wireless Levy the Solution?

Plenary Sessions: Strong Fiscal Futures

### Wednesday

Cabinet Panels

### Thursday

BC Transit: A Partnership in Action

Conflict of Interest

Economics of Policing in BC

Working with the Court in Your Community

## Networking Opportunities

There are several networking opportunities scheduled during the UBCM Convention Week, including the Tuesday Welcome Reception, and Thursday Annual Reception and Banquet.

For a full listing of events, check out the Preliminary Program in Brief under the Convention tab of [ubcm.ca](http://ubcm.ca).



## Locations

Most sessions will be held at:

**Vancouver Convention Centre (VCC)**, East Building  
999 Canada Place Way

**Fairmont Waterfront Hotel**  
900 Canada Place Way

## Delegate Registration

**Registration Check-in:**  
Lobby, East Building, Vancouver Convention Centre

**Delegate Registration Hours**  
Monday: 7:00 am – 5:00 pm  
Tuesday: 7:00 am – 6:00 pm  
Wednesday: 7:00 am – 4:30 pm  
(and thereafter as required)

Late registration and registration changes will be processed by UBCM staff in the Box Office area of the Vancouver Convention Centre.

## Partners Programs

Tuesday: 8:30 am – 4:30 pm  
Wednesday: 8:30 am – 11:00 am

Partners Program check-in will be at a separate desk in the lobby of the East Building of the Vancouver Convention Centre. All partners should check in upon arrival to receive instructions and updates.

## Booking Government Appointments

Instructions on booking meetings with provincial Cabinet during UBCM Convention week were circulated by the Premier's office to all UBCM members.

UBCM cannot book these appointments for you, but does provide a space for the Government Appointments Desk on-site.

Monday and Tuesday:  
Main Lobby, VCC  
8:30 am – 4:00 pm

Wednesday and Thursday:  
Exhibition Hall C, VCC  
8:30 am – 4:00 pm

## UBCM Office

The UBCM Convention Office will be open during Convention week, as follows:

Monday to Thursday:  
8:30 am – 4:30 pm  
Friday: 8:30 am – 12:00 pm

For urgent or convention-related business, please use the on-site UBCM Convention office phone number 604.647.7490.

All other business should be directed to the permanent UBCM office number 604.270.8226, where voicemail will be checked regularly.

## Delegate Office Services

Lidstone & Company, Barristers and Solicitors, is pleased to provide UBCM delegates with complimentary fax and photocopying services during convention week, located in the Main Lobby, VCC.

To send a fax message to delegates, dial 604.647.7480.

If you wish to receive a fax, it is your responsibility to have the sending party notify you of the transmission.

## Delegate Email Services

Delegate email services will be available throughout convention week, courtesy of Shaw Communications in the Main Lobby, VCC.

**Both Delegate Office and Email Services will open during Convention week as follows:**

Monday: 12:00 pm – 5:00 pm  
Tues. – Thurs.: 8:00 am – 5:00 pm  
Friday: 8:00 am – 10:00 am

## Wi-Fi Internet Service

Complimentary Wi-Fi service is available throughout VCC during Convention week, courtesy of **Young Anderson**, Barristers and Solicitors.

## Need Assistance?

UBCM staff will do their best to assist with any special needs that delegates may have during Convention week. Please send requests via e-mail to: [ubcm@ubcm.ca](mailto:ubcm@ubcm.ca). Our main Convention venues are wheelchair accessible. Please notify us if wheelchair accessible buses are needed for tours.

This year, devices for the hearing-impaired will be available for use in the plenary. Please visit the on-site registration desk for more information.

**Paquin, Lisa C ENV:EX**

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**From:** Paquin, Lisa C ENV:EX  
**Sent:** Thursday, July 11, 2013 4:08 PM  
**To:** 'Antcliffe, Bonnie'; Danks, Anthony ENV:EX  
**Subject:** RE: More input from BC on the Federal Fisheries Act Discussion Paper

Hi Bonnie,

Thank you for the email and feedback. In speaking with the folks from the province, I also received very positive comments on the session yesterday. From my perspective, it was great to have Jason, Brad, Mike and Bruce given their different roles and experience, it really added to perspectives they were able to share with us.

It would be great to follow-up with you in the next week or so.

Cheers, Lisa

**Lisa Paquin,**  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

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**From:** Antcliffe, Bonnie [<mailto:Bonnie.Antcliffe@dfo-mpo.gc.ca>]  
**Sent:** Thursday, July 11, 2013 3:38 PM  
**To:** Paquin, Lisa C ENV:EX; Danks, Anthony ENV:EX  
**Subject:** RE: More input from BC on the Federal Fisheries Act Discussion Paper

Thanks Lisa,

Brad noted that he felt it was a good meeting yesterday. I will follow up in a week or so directly just to check in.

Bonnie

Bonnie Antcliffe  
Regional Director  
Ecosystem Management Branch  
Suite 200 – 401 Burrard Street  
Vancouver, BC V6C 3S4  
Phone: (604) 666-6532  
Cell: s.17  
Email: [bonnie.antcliffe@dfo-mpo.gc.ca](mailto:bonnie.antcliffe@dfo-mpo.gc.ca)



**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** June-20-13 11:42 AM  
**To:** Winfield, Nicholas; Hwang, Jason; Fanos, Brad; Antcliffe, Bonnie  
**Cc:** Feyrer, Laura ENV:EX; Danks, Anthony ENV:EX  
**Subject:** More input from BC on the Federal Fisheries Act Discussion Paper

Hello everyone,

We have received further comments on the Federal Fisheries Act Discussion Paper from the BC Ministry of Community, Sport and Cultural Development which includes feedback on policy and leg changes to the federal Fisheries Act and organizational changes to DFO. The additions have been highlighted in red. I have also added a date at the bottom of the document to assist with version control.

Please let me know if you have any questions.

Cheers,  
**Lisa Paquin,**  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

**Paquin, Lisa C ENV:EX**

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**From:** Paquin, Lisa C ENV:EX  
**Sent:** Monday, June 24, 2013 3:15 PM  
**To:** 'Fanos, Brad'  
**Cc:** Feyrer, Laura ENV:EX; 'Hwang, Jason'  
**Subject:** FW: Follow Up: 2013 UBCM Convention

Hi Brad,

Laura and I were hoping to touch base with you in advance of the workshop. Do you have time available this week – preferably Tues or Wed if you are available. Thx, Lisa

**From:** Fanos, Brad [<mailto:Brad.Fanos@dfo-mpo.gc.ca>]  
**Sent:** Monday, June 17, 2013 10:17 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Hwang, Jason  
**Subject:** Re: Follow Up: 2013 UBCM Convention

Hi Lisa

Sorry for the delay in responding. Thanks for this I will be discussing with our management team to see what the opportunities are to participate in a clinic.

Brad

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** Friday, June 14, 2013 03:10 PM  
**To:** Fanos, Brad  
**Cc:** Pfeffer, Jessica ENV:EX <[jessica.pfeffer@gov.bc.ca](mailto:jessica.pfeffer@gov.bc.ca)>; Hwang, Jason  
**Subject:** FW: Follow Up: 2013 UBCM Convention

Hi Brad, just wondering if the DFO regional office is considering putting in a workshop or clinic proposal for the upcoming UBCM Convention. It would be a great opportunity it connect with local gov't on the DFO organization and leg changes. I have attached the info below in case you weren't aware of the process.

Laura and I also wanted to touch base with you next week on the workshop. Can you please let me know if there is a good time for you next week.

Cheers,  
**Lisa Paquin,**  
Director  
JGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

**Re: 2013 UBCM Convention – “Navigating the Local Landscape  
September 16 – 20” at the Vancouver Convention & Exhibition Centre**

The 2013 Union of British Columbia Municipalities (UBCM) Convention will be held in Vancouver September 16 – 20 at the Vancouver Convention Centre. This year's Convention theme is "**Navigating the Local Landscape....Just as a compass steers a traveler on his path, so the 2013 UBCM Convention will aim to guide local leaders in their efforts to move their communities forward...**"

UBCM's public call for workshop and clinic proposals is now available at: <http://www.ubcm.ca/EN/main/convention/2012-convention/2013-session-proposal-process.html>.

There are four workshop sessions of approximately two hours, and 15 early morning clinic sessions of 45 minutes in length.

The deadline for submitting the online request to UBCM is **June 21, 2013**. The UBCM Convention Committee deliberates on the proposals on **July 18** and proponents are notified of the Committee's decision by **August 2**.

**Paquin, Lisa C ENV:EX**

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**From:** Paquin, Lisa C ENV:EX  
**Sent:** Tuesday, June 4, 2013 12:14 PM  
**To:** 'Fanos, Brad'  
**Cc:** 'Hwang, Jason'; Feyrer, Laura ENV:EX; Danks, Anthony ENV:EX; 'Antcliffe, Bonnie'  
**Subject:** RE: Follow-up: Discussion on DFO Organizational Changes

Hi Brad, is it ok if I phone closer to 3:30pm? Laura and I are in a meeting until then. Cheers, Lisa

---

**From:** Fanos, Brad [<mailto:Brad.Fanos@dfo-mpo.gc.ca>]  
**Sent:** Tuesday, June 4, 2013 12:13 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Hwang, Jason; Feyrer, Laura ENV:EX; Danks, Anthony ENV:EX; Antcliffe, Bonnie  
**Subject:** RE: Follow-up: Discussion on DFO Organizational Changes

Hi Lisa  
Yes please call me at 3pm  
666-3909

Brad Fanos  
Regulatory Reviews Manager  
Fisheries Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada, Pacific Region  
Phone: (604) 666-3909  
e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

DFO Pacific Region webpage "Working Near Water in BC and Yukon" <http://www.pac.dfo-mpo.gc.ca/habitat/index-eng.htm>  
DFO Pacific Region Project Review Application Form <http://www.pac.dfo-mpo.gc.ca/habitat/steps/praf/index-eng.htm>  
Observe, Record and Report (ORR) Line: 1 800 465-4336

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** June-04-13 8:25 AM  
**To:** Fanos, Brad; Antcliffe, Bonnie  
**Cc:** Hwang, Jason; Feyrer, Laura ENV:EX; Danks, Anthony ENV:EX  
**Subject:** RE: Follow-up: Discussion on DFO Organizational Changes

Hi Brad, I am available after 3pm to discuss. Shall I phone you at the number below? Cheers, Lisa

---

**From:** Fanos, Brad [<mailto:Brad.Fanos@dfo-mpo.gc.ca>]  
**Sent:** Monday, June 3, 2013 5:56 PM  
**To:** Paquin, Lisa C ENV:EX; Antcliffe, Bonnie  
**Cc:** Hwang, Jason; Feyrer, Laura ENV:EX; Danks, Anthony ENV:EX  
**Subject:** Re: Follow-up: Discussion on DFO Organizational Changes

Hi Lisa  
The June 12th meeting can work for me perhaps we could discuss by phone this week to confirm the key discussion

points, attendance in person and logistics. This will help us coordinate participants on our end.

I am available to discuss Tues after 3pm if that works for you. Let me know.

Thanks for providing this opportunity

Brad

Brad Fanos

Regulatory Review Manager

Fisheries Protection Program

604 666 3909

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]

**Sent:** Monday, June 03, 2013 04:44 PM

**To:** Fanos, Brad; Antcliffe, Bonnie

**Cc:** Hwang, Jason; Feyrer, Laura ENV:EX <[Laura.Feyrer@gov.bc.ca](mailto:Laura.Feyrer@gov.bc.ca)>; Danks, Anthony ENV:EX <[Anthony.Danks@gov.bc.ca](mailto:Anthony.Danks@gov.bc.ca)>

**Subject:** Follow-up: Discussion on DFO Organizational Changes

Hi Bonnie and Brad,

I wanted to follow-up on the offer Bonnie made at the May 13<sup>th</sup> meeting to come and speak to folks about the Fisheries Protection Program Roll-Out and Program Delivery. We have a group of folks across the natural resource sector who meet on a bi-weekly basis to go over federal Fisheries Act items and I was hoping you would be able to speak to this group. The meetings are 1.5 hours in length and the next one is scheduled for Wednesday, June 12<sup>th</sup> from 1:30 to 3pm.

I believe many of the participants have received a high level update on the new DFO structure but a quick update would be helpful. I know there is a desire to better understand how the program will be delivered, looking at the role of the federal government and the province and how we will work together going forward.

Please give me a call and we can discuss the timing and agenda.

Cheers,

**Lisa Paquin,**

Director

IGR and External Relations

Strategic Policy Branch

B.C. Ministry of Environment

Ph: 250-387-9661

Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

**Paquin, Lisa C ENV:EX**

---

**From:** Paquin, Lisa C ENV:EX  
**Sent:** Tuesday, June 4, 2013 12:14 PM  
**To:** 'Fanos, Brad'  
**Cc:** 'Hwang, Jason'; Feyrer, Laura ENV:EX; Danks, Anthony ENV:EX; 'Antcliffe, Bonnie'  
**Subject:** RE: Follow-up: Discussion on DFO Organizational Changes

Hi Brad, is it ok if I phone closer to 3:30pm? Laura and I are in a meeting until then. Cheers, Lisa

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**From:** Fanos, Brad [<mailto:Brad.Fanos@dfo-mpo.gc.ca>]  
**Sent:** Tuesday, June 4, 2013 12:13 PM  
**To:** Paquin, Lisa C ENV:EX  
**Cc:** Hwang, Jason; Feyrer, Laura ENV:EX; Danks, Anthony ENV:EX; Antcliffe, Bonnie  
**Subject:** RE: Follow-up: Discussion on DFO Organizational Changes

Hi Lisa  
Yes please call me at 3pm  
666-3909

Brad Fanos  
Regulatory Reviews Manager  
Fisheries Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada, Pacific Region  
Phone: (604) 666-3909  
e-mail: [brad.fanos@dfo-mpo.gc.ca](mailto:brad.fanos@dfo-mpo.gc.ca)

DFO Pacific Region webpage "Working Near Water in BC and Yukon" <http://www.pac.dfo-mpo.gc.ca/habitat/index-eng.htm>  
DFO Pacific Region Project Review Application Form <http://www.pac.dfo-mpo.gc.ca/habitat/steps/praf/index-eng.htm>  
Observe, Record and Report (ORR) Line: 1 800 465-4336

---

**From:** Paquin, Lisa C ENV:EX [<mailto:Lisa.Paquin@gov.bc.ca>]  
**Sent:** June-04-13 8:25 AM  
**To:** Fanos, Brad; Antcliffe, Bonnie  
**Cc:** Hwang, Jason; Feyrer, Laura ENV:EX; Danks, Anthony ENV:EX  
**Subject:** RE: Follow-up: Discussion on DFO Organizational Changes

Hi Brad, I am available after 3pm to discuss. Shall I phone you at the number below? Cheers, Lisa

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**From:** Fanos, Brad [<mailto:Brad.Fanos@dfo-mpo.gc.ca>]  
**Sent:** Monday, June 3, 2013 5:56 PM  
**To:** Paquin, Lisa C ENV:EX; Antcliffe, Bonnie  
**Cc:** Hwang, Jason; Feyrer, Laura ENV:EX; Danks, Anthony ENV:EX  
**Subject:** Re: Follow-up: Discussion on DFO Organizational Changes

Hi Lisa  
The June 12th meeting can work for me perhaps we could discuss by phone this week to confirm the key discussion

points, attendance in person and logistics. This will help us coordinate participants on our end.

I am available to discuss tues after 3pm if that works for you. Let me know.

Thanks for providing this opportunity  
Brad  
Brad Fanos  
Regulatory Review Manager  
Fisheries Protection Program  
604 666 3909

---

**From:** Paquin, Lisa C ENV:EX [mailto:[Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)]  
**Sent:** Monday, June 03, 2013 04:44 PM  
**To:** Fanos, Brad; Antcliffe, Bonnie  
**Cc:** Hwang, Jason; Feyrer, Laura ENV:EX <[Laura.Feyrer@gov.bc.ca](mailto:Laura.Feyrer@gov.bc.ca)>; Danks, Anthony ENV:EX <[Anthony.Danks@gov.bc.ca](mailto:Anthony.Danks@gov.bc.ca)>  
**Subject:** Follow-up: Discussion on DFO Organizational Changes

Hi Bonnie and Brad,

I wanted to follow-up on the offer Bonnie made at the May 13<sup>th</sup> meeting to come and speak to folks about the Fisheries Protection Program Roll-Out and Program Delivery. We have a group of folks across the natural resource sector who meet on a bi-weekly basis to go over federal Fisheries Act items and I was hoping you would be able to speak to this group. The meetings are 1.5 hours in length and the next one is scheduled for Wednesday, June 12<sup>th</sup> from 1:30 to 3pm.

I believe many of the participants have received a high level update on the new DFO structure but a quick update would be helpful. I know there is a desire to better understand how the program will be delivered, looking at the role of the federal government and the province and how we will work together going forward.

Please give me a call and we can discuss the timing and agenda.

Cheers,  
**Lisa Paquin,**  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)



**Paquin, Lisa C ENV:EX**

---

**From:** Paquin, Lisa C ENV:EX  
**Sent:** Tuesday, May 14, 2013 2:37 PM  
**To:** 'Antcliffe, Bonnie'  
**Cc:** Ethier, Tom FLNR:EX; Danks, Anthony ENV:EX; Feyrer, Laura ENV:EX; 'Fanos, Brad'; 'Hwang, Jason'  
**Subject:** Tom Ethier's contact information

Hi Bonnie,

It was great to have you and Sue come over and meet with us yesterday. I wanted to follow-up and provide Tom's contact information to assist you in organizing a presentation at the upcoming Ecosystem Managers Meeting. I will also get back to you, Brad and Jason about the best way for your office to engage the provincial agencies on the program roll-out.

When you have a chance, would you please forward an electronic copy of the organization chart you referenced yesterday.

Contact Info

Tom Ethier, ADM  
Resource Stewardship Division  
Ministry of Forest, Lands and Natural Resource Operations

Email: [Tom.Ethier@gov.bc.ca](mailto:Tom.Ethier@gov.bc.ca)  
Ph: 250 356-0972

Thank you,  
**Lisa Paquin,**  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

**Paquin, Lisa C ENV:EX**

---

**From:** Paquin, Lisa C ENV:EX  
**Sent:** Friday, May 10, 2013 11:42 AM  
**To:** 'Antcliffe, Bonnie'; Danks, Anthony ENV:EX; Feyrer, Laura ENV:EX  
**Cc:** 'Hwang, Jason'; 'Fanos, Brad'  
**Subject:** RE: Conference Call hosted by Fisheries and Oceans Canada on the Fisheries Act //  
Téléconférence tenue par Pêches et Océans Canada sur la Loi sur les pêches

Hi Bonnie,

Thank you very much for your note. We would be very interested in setting up a meeting with you folks in advance of providing comments back on the discussion paper. The week of the 27<sup>th</sup> doesn't allow us much time before we have to submit comments. Is it possible to bump it up to the week of the 20<sup>th</sup>?

I also understand that Susan Farlinger and Trevor Swerdfager are coming over to meet with the Deputies of FLNRO, MoE and Agriculture on a few fisheries related topics including the Discussion Paper and fisheries program roll-out. Will you be joining them and is there any more insight you can share on what they hope to accomplish through these discussions?

*Lisa Paquin,*  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: Lisa.Paquin@gov.bc.ca

**From:** Antcliffe, Bonnie [mailto:Bonnie.Antcliffe@dfo-mpo.gc.ca]  
**Sent:** Thursday, May 9, 2013 11:28 AM  
**To:** Danks, Anthony ENV:EX; Paquin, Lisa C ENV:EX; Howard, Sara; Feyrer, Laura ENV:EX  
**Cc:** Hwang, Jason; Fanos, Brad  
**Subject:** FW: Conference Call hosted by Fisheries and Oceans Canada on the Fisheries Act // Téléconférence tenue par Pêches et Océans Canada sur la Loi sur les pêches

Hello Lisa, Anthony and Laura

Further to the CCFAM call yesterday and previous discussions on the Fisheries Act amendments, please find attached an update and contacts for input on the various documents, including the discussion paper, science reports, and regulations. Please let us know if you would like us to set-up another meeting - face-to-face or conference call, to discuss the material. Please contact Jason Hwang directly if you are interested in another session. Jason and I have tentatively set time aside the week of May 27 in case we want to hold a session.

**Proposed approach to implementing the New Fisheries Protection Provisions under the *Fisheries Act***

The attached discussion paper has been prepared to explain recent amendments to the *Fisheries Act* related to fisheries protection and to provide an interpretation of new language and concepts found in the Act. The discussion paper focuses on the factors that will provide direction in Ministerial decision-making (the new section 6 of the *Fisheries Act*) and the new prohibition against causing serious harm to fish (the new section 35). Your feedback is sought to further refine the interpretation in order to develop operational guidance prior to the coming into force of these new provisions.

We would ask that you provide feedback to [FPP-PPP@dfo-mpo.gc.ca](mailto:FPP-PPP@dfo-mpo.gc.ca) by May 29<sup>th</sup>, 2013

In addition, a Science Advisory Report regarding scientifically significant terms in the amended *Fisheries Act* 2012 is now available on the Canadian Science Advisory Secretariat website ([http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012\\_063-eng.html](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012_063-eng.html))

Finally, a reminder that proposed Information Requirements and Time Limits Regulations were pre-published in Part I of the *Canada Gazette*, on April 13, 2013 for a 30-day period [<http://canadagazette.gc.ca/rp-pr/p1/2013/2013-04-13/html/reg1-eng.html>]. Any feedback you may have on these regulations should be provided to [FPR-RPP@dfo-mpo.gc.ca](mailto:FPR-RPP@dfo-mpo.gc.ca)

Bonnie Antcliffe

Regional Director

Ecosystem Management Branch

Suite 200 – 401 Burrard Street

Vancouver, BC V6C 3S4

Phone: (604) 666-6532

Cell: s.17

Email: [bonnie.antcliffe@dfo-mpo.gc.ca](mailto:bonnie.antcliffe@dfo-mpo.gc.ca)

---

**From:** XNCR, CCFAM-CCMPA

**Sent:** May-07-13 2:43 PM

**To:** XNCR, CCFAM-CCMPA; 'Andrew Wilson'; 'Audie Skinner'; 'Brian Skinner'; 'Chris Dunn'; 'Dave M Brown'; 'Don Maclean'; 'Dr. Brian Parker'; 'François Montminy-Munyan'; 'Gerald Macdougall'; 'Jessy Dynes'; 'John Colford'; 'Kathryn Collet'; 'Larissa Mathewson-Brake'; 'Lynda Yonge'; 'Nathan Millar'; 'Rosanne MacFarlane'; 'Travis Ripley'; 'Vicki Marshall'; 'Wayne Lynch'; 'Audie Skinner'; 'Barry MacPhee'; 'Chris Dunn'; 'Daniel, Katerina'; 'Dr. Brian Parker'; 'Eric Boysen'; 'François Montminy-Munyan'; 'John Colford'; 'Joseph Labelle'; 'Larry Neilson'; 'Leo Muise'; 'Lynda Yonge'; 'Mike Warren'; 'Nathan Millar'; 'Neil MacNair'; 'Oliver Barker'; 'Stan Kavalinas'; 'Travis Ripley'; 'Wandalee Wiseman'; 'Wayne Lynch'

**Cc:** Bate, Angela; Collins, John; Deschênes, Louise; Hopper, Stephanie; Hurst, Karen; King, Rhea L; Daniel, Katerina; Vachon, Marc; Myre, Mathew; Winfield, Nicholas; Finn, Ray; Nicholson, Dale; Cormier, Roland; Walsh, Gordon; Antcliffe, Bonnie; Burgess, Steve; Ashley, Sharon; Hopky, Glen; Caron, Tiffany

**Subject:** RE: Conference Call hosted by Fisheries and Oceans Canada on the Fisheries Act // Téléconférence tenue par Pêches et Océans Canada sur la Loi sur les pêches

Good afternoon,

Please note that a Science Advisory Report regarding scientifically significant terms in the amended *Fisheries Act* 2012 is now available on the Canadian Science Advisory Secretariat website:  
[http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012\\_063-eng.html](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012_063-eng.html)

Bonjour,

Veuillez noter que l'avis scientifique en ce qui concerne les termes importants sur le plan scientifique figurant dans la *Loi sur les pêches* modifiée en 2012, est actuellement disponible sur le site-web SCCS.  
[http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012\\_063-fra.html](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012_063-fra.html)

**From:** XNCR, CCFAM-CCMPA

**Sent:** May 6, 2013 4:09 PM

**To:** 'Andrew Wilson'; 'Audie Skinner'; 'Brian Skinner'; 'Chris Dunn'; 'Dave M Brown'; 'Don Maclean'; 'Dr. Brian Parker'; 'Francois Montminy-Munyan'; 'Gerald Macdougall'; 'Jessy Dynes'; 'John Colford'; 'Kathryn Collet'; 'Larissa Mathewson-Brake'; 'Lynda Yonge'; 'Nathan Millar'; 'Rosanne MacFarlane'; 'Travis Ripley'; 'Vicki Marshall'; 'Wayne Lynch'; 'Audie Skinner'; 'Barry MacPhee'; 'Chris Dunn'; Daniel, Katerina; 'Dr. Brian Parker'; 'Eric Boysen'; 'François Montminy-Munyan'; 'John Colford'; 'Joseph Labelle'; 'Larry Neilson'; 'Leo Muise'; 'Lynda Yonge'; 'Mike Warren'; 'Nathan Millar'; 'Neil MacNair'; 'Oliver Barker'; 'Stan Kavalinas'; 'Travis Ripley'; Wandalee Wiseman; 'Wayne Lynch'

**Cc:** Bate, Angela; Collins, John; Deschênes, Louise; Hopper, Stephanie; Hurst, Karen; King, Rhea L; Daniel, Katerina; Trudeau, Miriam; Vachon, Marc; Myre, Mathew; Winfield, Nicholas; Finn, Ray; Nicholson, Dale; Cormier, Roland; Walsh, Gordon; Antcliffe, Bonnie; Burgess, Steve; Ashley, Sharon; Hopky, Glen; Caron, Tiffany

**Subject:** Conference Call hosted by Fisheries and Oceans Canada on the Fisheries Act // Téléconférence tenue par Pêches et Océans Canada sur la Loi sur les pêches

Good day,

We would like to invite the Interjurisdictional Working Group and the Inland Fisheries Committee members to join a conference call hosted by Fisheries and Oceans Canada to present the Discussion Paper -Implementing the New Fisheries Protection Provisions under the *Fisheries Act* Wednesday May 8, 2013 from 13:00 to 14:00 EDT.

Please confirm your attendance by replying to this e-mail by noon tomorrow.

To join the conference call please dial the following number and enter the access code when prompted.

1-877-413-4785

Access Code: s.17

Thank you.

<< File: TAB 2 Discussion Paper 2013 EN.PDF >>

Bonjour,

Nous voudrions inviter les membres du Groupe de travail intergouvernemental et du Comité des pêches dans les eaux intérieures à joindre une téléconférence organisée par Pêches et Océans Canada le mercredi 8 mai 2013 afin de présenter le Document de discussion sur la Mise en oeuvre des nouvelles dispositions sur la protection des pêches de la *Loi sur les pêches* mercredi le 8 mai 2013 de 13 h à 14 h HAE.

Veuillez confirmer votre participation en répondant à ce courriel d'ici demain midi.

Pour vous joindre à la téléconférence, veuillez signaler le numéro suivant et insérer le code d'accès lorsque demandé.

1-877-413-4785

Code accès : s.17

Merci.

<< File: TAB 2 Discussion Paper 2013 FR.PDF >>

**Paquin, Lisa C ENV:EX**

---

**From:** Winfield, Nicholas [Nicholas.Winfield@dfo-mpo.gc.ca]  
**Sent:** Thursday, June 20, 2013 12:29 PM  
**To:** Paquin, Lisa C ENV:EX; Hwang, Jason; Fanos, Brad; Antcliffe, Bonnie  
**Cc:** Feyrer, Laura ENV:EX; Danks, Anthony ENV:EX  
**Subject:** RE: More input from BC on the Federal Fisheries Act Discussion Paper

Thank you for this.

I wish to confirm receipt.

Nicholas Winfield

Director | Directeur  
Fisheries Protection Policy | Politique sur la protection des pêches  
Ecosystem Programs Policy | Politiques sur les Programmes des Écosystèmes  
Fisheries and Oceans Canada | Pêches et Océans Canada  
8N205, 200 Kent Street, Ottawa, Ontario, Canada K1A 0E6  
Tel/Fax: (613) 990-2574 / (613) 993-7493  
Government of Canada | Gouvernement du Canada

**From:** Paquin, Lisa C ENV:EX [mailto:Lisa.Paquin@gov.bc.ca]  
**Sent:** 2013-June-20 2:42 PM  
**To:** Winfield, Nicholas; Hwang, Jason; Fanos, Brad; Antcliffe, Bonnie  
**Cc:** Feyrer, Laura ENV:EX; Danks, Anthony ENV:EX  
**Subject:** More input from BC on the Federal Fisheries Act Discussion Paper

Hello everyone,

We have received further comments on the Federal Fisheries Act Discussion Paper from the BC Ministry of Community, Sport and Cultural Development which includes feedback on policy and leg changes to the federal Fisheries Act and organizational changes to DFO. The additions have been highlighted in red. I have also added a date at the bottom of the document to assist with version control.

Please let me know if you have any questions.

Cheers,  
**Lisa Paquin,**  
Director  
IGR and External Relations  
Strategic Policy Branch  
B.C. Ministry of Environment  
Ph: 250-387-9661  
Email: [Lisa.Paquin@gov.bc.ca](mailto:Lisa.Paquin@gov.bc.ca)

**Paquin, Lisa C ENV:EX**

---

**From:** Winfield, Nicholas [Nicholas.Winfield@dfo-mpo.gc.ca]  
**Sent:** Wednesday, May 8, 2013 9:12 AM  
**To:** Stoneman, Christine; Danks, Anthony ENV:EX; Paquin, Lisa C ENV:EX  
**Cc:** Gilliland, Lori K ENV:EX; Corneau, Martin  
**Subject:** Re: Today's meeting at 1pm

Meeting room is 14N200. It will be a full house.

**From:** Stoneman, Christine  
**Sent:** Wednesday, May 08, 2013 12:10 PM Eastern Standard Time  
**To:** 'Anthony.Danks@gov.bc.ca' <Anthony.Danks@gov.bc.ca>; Winfield, Nicholas; 'Lisa.Paquin@gov.bc.ca' <Lisa.Paquin@gov.bc.ca>  
**Cc:** 'Lori.Gilliland@gov.bc.ca' <Lori.Gilliland@gov.bc.ca>; Corneau, Martin  
**Subject:** Re: Today's meeting at 1pm

Yes same place. Martin will meet you downstairs when security calls up.

**From:** Danks, Anthony ENV:EX [mailto:Anthony.Danks@gov.bc.ca]  
**Sent:** Wednesday, May 08, 2013 11:44 AM Eastern Standard Time  
**To:** Winfield, Nicholas; Paquin, Lisa C ENV:EX <Lisa.Paquin@gov.bc.ca>  
**Cc:** Gilliland, Lori K ENV:EX <Lori.Gilliland@gov.bc.ca>; Stoneman, Christine  
**Subject:** Re: Today's meeting at 1pm

We will join you for the Inland Fisheries call. Same place I assume.

Anthony

**From:** Winfield, Nicholas [mailto:Nicholas.Winfield@dfo-mpo.gc.ca]  
**Sent:** Wednesday, May 08, 2013 08:17 AM Pacific Standard Time  
**To:** Danks, Anthony ENV:EX; Paquin, Lisa C ENV:EX  
**Cc:** Gilliland, Lori K ENV:EX; Stoneman, Christine <Christine.Stoneman@dfo-mpo.gc.ca>  
**Subject:** Today's meeting at 1pm

Anthony, Lisa:

There is a call with all Provincial members of Inland Fisheries Committee of CCFAM from 1-2pm to go over the discussion paper that was released on Monday.

You are welcome to join us for that meeting and then continue to meet afterwards. Alternatively, you could meet with Christine Stoneman from 1-2pm as currently scheduled. I will not be available however.

Please advise on your preference.

Nicholas Winfield



Director | Directeur

Habitat Management Policy and Practices | gestion de l'habitat et de pratique

Ecosystem Programs Policy | Politiques sur les Programmes des Écosystèmes

Fisheries and Oceans Canada | Pêches et Océans Canada

8N205; 200 Kent Street, Ottawa, Ontario, Canada K1A 0E6

Tel/Fax: (613) 990-2574 / (613) 993-7493

Government of Canada | Gouvernement du Canada

**Paquin, Lisa C ENV:EX**

---

**From:** Winfield, Nicholas [Nicholas.Winfield@dfo-mpo.gc.ca]  
**Sent:** Tuesday, April 9, 2013 11:04 AM  
**To:** Danks, Anthony ENV:EX  
**Cc:** Hwang, Jason; Paquin, Lisa C ENV:EX  
**Subject:** RE: C-38 follow up

This is my intent, yes.

Both documents are at the most senior level for approvals. It is not possible for me to predict when this might be but I am hopeful it is within days.

The meeting we held in Victoria was extremely well-organized and invaluable for our team. Your coordination was most appreciated.

I will update you as soon as I receive more information.

Regards

Nicholas Winfield

Director | Directeur  
Habitat Management Policy and Practices | gestion de l'habitat et de pratique  
Ecosystem Programs Policy | Politiques sur les Programmes des Écosystèmes  
Fisheries and Oceans Canada | Pêches et Océans Canada  
8N205, 200 Kent Street, Ottawa, Ontario, Canada K1A 0E6  
Tel/Fax: (613) 990-2574 / (613) 993-7493  
Government of Canada | Gouvernement du Canada

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**From:** Danks, Anthony ENV:EX [<mailto:Anthony.Danks@gov.bc.ca>]  
**Sent:** 2013-April-09 1:42 PM  
**To:** Winfield, Nicholas  
**Cc:** Hwang, Jason; Paquin, Lisa C ENV:EX  
**Subject:** C-38 follow up

Nicholas:

As a follow up to our meeting in Victoria, and the telephone message I left with you last week, I am writing to enquire if we will soon be receiving the policy discussion paper and scientific papers you mentioned, so as to better inform our input.

At our meeting on March 20, it was my understanding that those papers could be shared with P/T in the coming 1-2 weeks. Please let me know if this is still the case.

Again, many thanks to you and your team for coming over to Victoria, especially given the weather conditions.

Anthony

---

Anthony Danks

Executive Director - Strategic Policy Branch  
B.C. Ministry of Environment  
phone: (250) 387-8483 fax: (250) 387-8894