



13 June 2012

Hon. Keith Ashfield, Minister
Fisheries and Oceans Canada
200 Kent Street 13th Floor, Station 13E228
Ottawa, Ontario
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Dear Minister Ashfield:

With warranted concern, we write you today on behalf of the Ontario Chapter of the American Fisheries Society to convey our concerns regarding the proposed approach to revise the *Fisheries Act* and other environmental legislation in Bill C-38. The membership of our professional society includes individuals from Ontario and beyond, who provide representation regarding fish and fish habitat matters. This group of fisheries professionals includes representatives of the private sector, academia, not-for-profit organizations, conservation authorities, and provincial and federal governments. Our chapter began in Northern Ontario in 1979, and has since grown to over 240 members. We include many fisheries professionals in Ontario within our society, and contemporaneously share our wealth of experience with all sectors and offer formal training to all of our members. We also maintain professional interactions with scientists around the World regarding all aspects of fisheries ecology and management.

Although we welcome progressive changes to the *Fisheries Act* and other environmental legislation that stand to improve protection for our natural resources while increasing efficiency in the management of economic development projects, we disagree strongly with the proposal to do so without open consultation and debate. Furthermore, the proposed changes aim to refocus the Act on fishes important to commercial, recreational, or aboriginal fisheries, and the fishes that support these fisheries. Thus, the other fishes that provide food for these larger and more valued species will receive less protection. Given that Fisheries and Oceans Habitat Management has adopted a scientifically supported ecosystem-based approach to fisheries management in recent years, such a change appears to be a move in the opposite direction, and one that promises to fail. Such a failure may not be evident over the short term but will ultimately affect habitats and smaller fish first, prior to impacts on valued fisheries. Hence, these proposed changes likely will result in the long-term reduction in the productive capacity of the waters of Canada. Protecting 'important' fishes is impossible without simultaneous conservation tenets that include habitat preservation. This wide approach to conserve habitats has the positive consequence to simultaneously maintain ecosystem resiliency, provide ecosystem services, and support these fisheries directly or indirectly. So, obvious economic, social and ecological benefits arise from wide-scale

protections of habitats used by fishes. Evidence of this relationship explains the long history and validity of the *Fisheries Act* all across Canada.

To illustrate this point, you recently stated "It makes good sense and common sense that the government should be able to minimize or eliminate restrictions on commonplace activities that pose little to no threat, and at the same time maintain appropriate, reasonable and responsible protection for Canada's fisheries", referring specifically to activities such as the construction of stream crossings or cottage docks. To suggest that these activities pose little or no threat to Canada's fisheries demonstrates a fundamental lack of understanding of the cumulative effects of multiple minor projects in aquatic systems and their watersheds. Linkages between habitat alteration in aquatic systems and their watersheds, and the productivity of associated fisheries are clearly demonstrated in countless empirical studies, including those that explicitly focus on shoreline development and stream crossings. We can provide the actual technical analyses, if you would like to review this information.

Furthermore, we support calls by our colleagues across Canada and globally to reverse the decision to close the Experimental Lakes Area. This world-class research facility has provided the knowledge necessary to manage fisheries and aquatic systems for decades. Globally, there is no conceivable replacement for these experimental lakes, and this closure draws into question the future role of science in informing Canadian policy. Similarly, the elimination of the National Round Table on Environment and Economy (NRTEE) is a major step backwards in the goal of unifying Canadian society, economy and the environment. In natural resource management, there is no better way to achieve success than to bring all stakeholders together to find common solutions and to do so in a unified way across Canada. To eliminate the NRTEE is to circumvent the most effective and efficient means to solving conflicts between the environment and the economy across our great country.

These changes, combined with further changes to the *Canadian Environmental Assessment Act* and amendments to the *Navigable Waters Protection Act* and *Species at Risk Act* pose a tremendous risk to Canada's fisheries, particularly because of their rapid implementation and the lack of open consultation with a majority of stakeholders. Most disturbing is the apparent lack of inclusion of the best available scientific knowledge in informing the proposed changes. Such disturbance may only become evident years after the implementation of such proposed changes. Yet, in other situations, habitats or fisheries may become immediately disturbed. It is probable the frequency of disturbance, due to a reduction of regulatory oversight will also increase, and this will have unknown consequences.

Those opposing these changes have at times been labelled extremists, or environmentalists advocating for foreign interests. In contrast, we represent a group of professionals in Ontario who are specifically concerned with the conservation of

Canadian fisheries resources and the protection of aquatic biodiversity. We do not object to improvements to the *Fisheries Act*, other environmental legislation, or the management of federal departments or research institutes; however, we strongly object to the manner in which these changes are currently being implemented. If the people managing the process are not doing it well, fix that problem; do not get rid of the intent of the *Act* and its overall application. We call on your government to remove revisions to the Fisheries Act and other environmental legislation from Bill C-38, and to begin a process of public consultation through well-established processes. Our organization has a wealth of expertise and years of experience, and we stand ready to provide the best available science to inform any necessary changes.

Sincerely,

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