



REQUEST FOR REVIEW REQUIREMENTS FOR WATER WITHDRAWAL PROJECTS IN CANADA

DID YOU KNOW?

In 2019, the Government of Canada made a number of changes to the federal *Fisheries Act*, administered by Fisheries and Oceans Canada (DFO). As a result, water withdrawals in Canada are under greater scrutiny, signifying that most projects will require a review by DFO to maintain compliance.

While the intention of the *Fisheries Act* has not changed (to protect Canada's fisheries), the interpretation and related mitigations required to comply have shifted. One of the more notable changes was reverting to pre-2012 language regarding avoiding the harmful alteration, disruption, or destruction of fish habitat (HADD).

WHO NEEDS THIS?

Operators across Canada that:

- ✓ Hold water withdrawal licences, short or long term, from a fish bearing waterbody or one that is connected to a waterbody that contains fish at any time during the year.
- ✓ Control water withdrawal intakes or other structures, whether temporary or permanent, below the high-water mark.

ARE YOU AFFECTED?

The revised requirements under the *Fisheries Act* oblige operators to submit their project for review, if proponents are unable to implement all mandated measures to protect fish, fish habitat and avoid affects to an aquatic species at risk. Water withdrawal projects from fish bearing waterbodies are inherently unable to implement all the protective measures and therefore require a review by DFO.

The changes are likely to affect you, if:

- ✓ Your project has not been reviewed by DFO
- ✓ You have an existing DFO project review that was completed prior to 29 August 2019

If you are unsure, meet with Integrated Sustainability for a free consultation.

HOW COULD THIS AFFECT YOU?

DFO is currently working with Provinces to refine enforcement strategies. Large fines, along with possible imprisonment, are still the main tools for enforcing compliance. It is important to note though, individuals can be held personally accountable for infractions. Additionally, an offence that is committed or continued for more than one day, is considered a separate offence and could lead to greater penalties. Enforcement activities are likely to begin in Summer 2020.





DFO PROJECT REVIEW PROCESS

Integrated Sustainability will help you interpret and understand the implications of the 2019 *Fisheries Act* revisions and can support you throughout the entire project review process. A Request for Review form is a cost-effective first step in having your project reviewed and approved by DFO.

To get you started, we will provide a list of information requirements to facilitate the completion of the required Request for Review form. Once that information is received, we will complete and submit the Request for Review form to initiate the review process with DFO.

OTHER SERVICES AND NEXT STEPS

Integrated Sustainability can support compliance under the *Fisheries Act* for other projects potentially affected by the 2019 revisions and determine whether a Request for Review form is required for your project. We can assist in managing these, sometimes challenging to understand and new requirements in a timely and cost-effective manner.

Integrated Sustainability can also support with preparing additional associated documentation and reporting, which may include:

- Completing a fish habitat assessment
- Review and selection of compliant fish screen and water intake designs, to maximize efficiency based on site specific conditions
- Completing a hydrology assessment and bathymetric survey
- Summarizing project activities
- Developing mitigation strategies
- Preparation and submission of water licence applications
- Responding to supplemental information requests from regulators
- Site surveys

SCHEDULE AND COST

Costs can be as little as \$1,500 and can be completed within as little as 1 week of purchase order.

The cost and schedule of the assessment may vary, depending on project activities and site-specific conditions.

Questions? CONTACT US



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