

## **Application for Authorization for Works or Undertakings affecting Fish Habitat - Department of Fisheries and Oceans (DFO)**

For shoreline modification/aquatic vegetation removal, it is reviewed by DFO on a site specific/project specific basis.

Section 35(1) of the Federal *Fisheries Act* prohibits works or undertakings that result in the harmful alteration, disruption or destruction of fish habitat (HADD).

Section 35(2) of the Federal *Fisheries Act* permits authorization of the above by the Minister and/or the Order in Council.

### DFO Process

- Applicant would usually give DFO a call to discuss what they are proposing to do, as DFO generally doesn't get an application for authorization right away.
- DFO will discuss with the applicant about their policies, fish habitat, stewardship, etc.
- If the proposal has a potential to result in a HADD or if vegetation removal is beyond the 4m, authorization may be required (application form is attached).
- If it is determined that a Fisheries Act Authorization is likely, the Canadian Environmental Assessment Process (CEAP) is triggered. This means that the project scope is posted to the Canadian Environmental Assessment Agency (CEAR) website for 15 days, other federal authorities and agencies are consulted to determine if they have an interest in the project.
- Section 55 of the Canadian Environmental Assessment Act (CEAA) would apply (see attached)
- All interested federal agencies will review the project with respect to their mandates.
- Provincial agencies with a potential interest are also consulted.

### Decision Criteria

- A decision is made with respect to the scope of the assessment
- Generally, a screening level assessment would be done, however depending on the scope of the project and the level of public concern and environmental impact, the option for a comprehensive study or Joint Panel does remain.
- Once the screening is written, and a decision is recommended, it goes to those federal departments with a regulatory function to agree or disagree with the recommended decision.
- If they agree, the document is signed and the decision is posted to the CEAR and if the decision is in favor of issuing a section 35(2) *Fisheries Act* Authorization, the Authorization is written, signed, and issued.

### Information that may be required when submitting an application for *Fisheries Act* Authorization

General information requirements necessary for a Fisheries Act Authorization would be specific to the project and they may include:

- Location
- Applicant name and address
- A letter describing (if applicable):
  - Proposed works
  - The need for the project
  - Alternative options considered
  - The vegetation (on banks, overhanging, in-water),
  - General condition of the shoreline (armored, slumping banks)

- Predominant wind and wave action,
- Bank material (sand, silt, gravel, cobble...)
- Project plan, materials to be used
- Materials to be placed in the water beyond the normal shoreline
- Sediment and erosion control plans (during and post construction)
- Proposed start and completion of in-water work
- Monitoring during construction
- Cumulative impacts (shoreline hardening, loss of near shore habitat)
- Proposed restoration/reclamation measures
- Proposed fish habitat compensation
- Proposed post construction monitoring
- Site photos, site map, and possible air photos
- Cross-sectional drawings indicating the water level and high water mark, original unstable slope and proposed slope, filter cloth placement and vegetation to be retained and planted
- Area (length by width) to be affected
- Plan view drawing of shoreline to be stabilized (note – works should follow the natural shoreline; shoreline straightening not permitted)

If you have any further questions regarding *Fisheries Act* Authorization please contact DFO at (780) 495-8468.