



**ONTARIO  
RIVERS  
ALLIANCE**

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**BY EMAIL**

Peter Ferguson  
Manager, Legislation and Regulatory Affairs  
Fisheries and Oceans Canada  
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200 Kent Street  
Ottawa, ON K1A 0E6  
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Dear Mr. Ferguson:

**Re: Canada Gazette, Part I Vol. 148, No. 7 — February 15, 2014  
Regulations Establishing Conditions for Making Regulations under  
Subsection 36(5.2) of the Fisheries Act**

Ontario Rivers Alliance (ORA) is a Not-for-Profit grassroots organization acting as a voice for the French River Delta Association, CPAWS-Ottawa Valley, Kiishik Community Association, CASP, Food & Water First, Whitewater Ontario, Vermilion River Stewardship, Friends of Grassy River, Mississippi Riverwatchers, French River Stewardship, as well as many other stewardships, associations, and private and First Nations citizens who have come together to protect, conserve and restore healthy river ecosystems all across Ontario.

ORA respectfully offer our comments as prescribed in the Canada Gazette as listed above.

The proposed *Regulations Establishing Conditions for Making Regulations under Subsection 36(5.2) of the Fisheries Act* (Regulation) fundamentally alters the intent and enforceability of one of Canada's most important federal laws. There has also been no meaningful, transparent and open process, or effort made to consult with the general public and stakeholders. As a result of the Government of Canada's failure to consult with Canadians and those with expertise on this issue, both the *Regulation* and the supporting *Regulatory Impact Analysis Statement* are seriously flawed.

The sweeping changes to the Fisheries Act which were introduced in 2012 have weakened one of Canada's most important and effective water and fisheries protection laws. This has provided opportunities for government to exempt industrial and resource development from federal rules.

The proposed Regulation lacks clarity and consistency, and amounts to an abdication of its federal responsibility for protecting fish, habitat and waterways in Canada. The contradictory regulatory scheme would make it impossible for any government regulator to fulfil the purpose



of the *Act*, which is to “*provide for the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries*”.

ORA objects to the passing of this proposed Regulation as its significant importance warrants meaningful and lengthy expert, public and stakeholder consultation. The Regulation amounts to an abdication of this government's responsibilities to protect and conserve Canada's water and fisheries for our present and future generations.

The claim that the proposed changes would have no impact on the public at large or on waters frequented by fish offers no clear and traceable method for reaching this conclusion, is unsubstantiated, and disingenuous.

This Regulation would also open the way for aquaculture operations when some have had well-documented adverse environmental impacts on ecosystems. The problems associated with these operations necessitate consistent and strong national standards to ensure these operations meet the most vigorous environmental protection. Effective Regulations would protect public health and safety, and ensure the integrity of Canadian fisheries and our waterways.

ORA would like to support the comments submitted by Lake Ontario Waterkeeper, Bill Ernst, and the Fundy Baykeeper/Conservation Council of New Brunswick.

For the reasons stated above, ORA strongly advise against adopting this *Regulation*. Should the Government of Canada wish to pursue this *Regulation* further, then substantial and unbiased expert, public and stakeholder consultation should occur before any new proposal is submitted for comment.

In Conservation,

Linda Heron  
Chair, Ontario Rivers Alliance

Cc: Mart Mattson, President, Lake Ontario Waterkeeper - [Mark@Waterkeeper.ca](mailto:Mark@Waterkeeper.ca)