March 14, 2016

Honourable Hunter Tootoo
Minister of Fisheries, Oceans and the Canadian Coast Guard
200 Kent Street
Ottawa, Ontario K1A 0E6
Sent by email to: Min@dfo-mpo.gc.ca

Dear Honourable Minister Tootoo,

Congratulations on your appointment as the Minister of Fisheries, Oceans and the Canadian Coast Guard. We were pleased to see your mandate letter from the Prime Minister, and look forward to working with you to implement the priorities outlined in that letter, which we fully support.

We are writing to request that you initiate a two-phased approach for updating the Fisheries Act. As a first step and as part of the Minister's mandate to "restore lost protections", we request that previous habitat protections be immediately reinstated in the Fisheries Act, and DFO act to improve monitoring and enforcement of all provisions. As a second step, and in support of what we have heard from Ministry staff, we recommend consultations and deliberations begin in the near term on incorporating other "modern safeguards" into the Fisheries Act with a view of completing the process within a two year time frame. In addition, and in line with your mandate letter, the Fisheries Act needs to include protection of recognized and affirmed treaty and aboriginal rights that ensures healthy fish populations and habitat that will sustain treaty and aboriginal rights in perpetuity.

Canada is home to a vast amount of fish habitat. We have more than one million lakes with fresh water covering nine percent of the country's surface and the longest coastline in the world, bordering on three oceans. The Fisheries Act, enacted almost 150 years ago, empowered the federal government to protect our oceans, clean water and fish habitat. More specifically, until 2012 it prohibited the "harmful alteration, disruption, or destruction of fish habitat" (HADD), making this one of Canada's most important and powerful pieces of environmental legislation. When the previous federal government passed omnibus Bill C-38, it amended section 35(1) of the Fisheries Act to weaken fish habitat protection. According to scientists, habitat destruction is the most common cause of species decline.

We endorse the need for modern safeguards throughout the Fisheries Act in line with internationally accepted principles of fisheries and oceans management. Some of these are outlined in the attached briefing document that reflect some of our initial thoughts to help guide the conversation, and include: incorporating sustainability principles; science-based decision making; protection of environmental flows; consideration of cumulative effects; and delegation of monitoring powers to Indigenous communities

through Guardians or other programs. All improvements to the Act should be based on science, Indigenous and community knowledge and the precautionary principle. As per discussions with your department, we look forward to engaging in a process that involves the participation of Indigenous peoples, stakeholder groups, and the public.

Prior to Bill C-38, First Nations, scientists, and conservationists agreed that there was a real need to improve monitoring and enforcement under the Fisheries Act. We believe that DFO needs sufficient capacity, including financial resources, staff, and political support, to monitor and protect habitat and enforce the Fisheries Act.

We look forward to working with you on this two-phased approach. Reinstating habitat protection and modernizing the Act, along with strengthening monitoring and enforcement, will enhance stewardship and ensure the long-term sustainability of Canada's vibrant aquatic ecosystems.

Signed:

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