

Management Action Plan

Reports of the Commissioner of the Environment and Sustainable Development Report 2 – Protecting Fish from Mining Effluent Date: Spring 2019

The complete Report 2 – Protecting Fish from Mining Effluent - Reports of Commissioner of the Environment and Sustainable Development can be found [here](#).

Commissioner's Recommendation	Departmental Response to Recommendations	Planned Actions and Implementation Deadlines	Offices of Primary Interest
<p>Recommendation 2.39: Fisheries and Oceans Canada should ensure that all fish habitat compensation plans include detailed measures to address the loss of fish and their habitat, and it should monitor mining companies' implementation of these plans.</p>	<p>Since 2012, Fisheries and Oceans Canada has had in place the <i>Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations</i> which, among other things, sets out minimum information requirements to deem an application complete. Since the coming into force of these regulations, proponents seeking a <i>Fisheries Act</i> authorization are legally required to provide the Department with detailed information on their proposed offsetting plan or plans, including contingency measures and an estimate of implementing each element of an offsetting plan.</p> <p>With regard to monitoring, over the past number of years, Fisheries and Oceans Canada has made efforts to monitor projects near water to ensure compliance with legislation and regulations. Although much progress has been made, the Department recognizes that there is still work to be done with respect to monitoring the adequacy of the offsetting for works, undertakings or activities that required an authorization under the</p>	<p>Fisheries and Oceans Canada will continue to implement the <i>Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations</i> which among other things requires proponents to submit detailed information on the proposed offsetting plan(s), including contingency measures and estimates of implementing each element of the plan.</p> <p>Furthermore, Fisheries and Oceans Canada will continue working on the revitalization of its monitoring program and collaborate with Environment and Climate Change Canada on the application of the detailed implementation plan for mines.</p> <p>The target for implementation of the revitalized monitoring program is April 2020.</p>	<p>Assistant Deputy Minister, Aquatic Ecosystems</p>

	<p><i>Fisheries Act</i> or its regulations, such as tailings impoundment areas.</p> <p>As a first step, Fisheries and Oceans Canada is currently revitalizing its monitoring program to ensure the sustainability and ongoing productivity of commercial, recreational and Indigenous fisheries. Moreover, Fisheries and Oceans Canada also struck in 2017 an agreement with Environment and Climate Change Canada that establishes clear roles and responsibilities and provides operational guidance with regards to the administration and implementation of the <i>Metal and Diamond Mining Effluent Regulations</i>.</p>		
<p>Recommendation 2.110: Environment and Climate Change Canada should work with Fisheries and Oceans Canada to identify additional types of enforcement measures that could effectively address violations of the <i>Metal and Diamond Mining Effluent Regulations</i>.</p>	<p>Environment and Climate Change Canada and Fisheries and Oceans Canada will work together to determine whether additional enforcement measures would better address violations of the <i>Metal and Diamond Mining Effluent Regulations</i> and, more generally, under the pollution prevention regime of the <i>Fisheries Act</i>.</p>	<p>Fisheries and Oceans Canada's Conservation and Protection will participate in an Environment and Climate Change Canada led working group that will consider whether additional enforcement measures would better address violations of the <i>Metal and Diamond Mining Effluent Regulations</i>.</p> <p>The target date for this action is the end of September 2020.</p>	<p>Assistant Deputy Minister, Fisheries and Harbour Management</p>