

The Honourable Joanne Thompson  
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**[Submitted Electronically]**

**RE: Amending the *Authorizations Concerning Fish and Fish Habitat Protection Regulations* under the *Fisheries Act***

On behalf of the Prospectors & Developers Association of Canada (PDAC) and our more than 8,200 individual and corporate members, we commend Fisheries and Oceans Canada (DFO) on its efforts to improve regulatory efficiencies through amendments to *Authorizations Concerning Fish and Fish Habitat Protection Regulations* (Authorizations Regulations) under the *Fisheries Act*.

PDAC supports efforts to reduce regulatory burden by aligning authorization and information requirements to project risk and type and delaying financial guarantees to the post-approval pre-construction stage of project development. The following recommendations are intended to assist with the focus, clarity, and alignment of these and other proposed amendments.

**Aligning authorization application requirements with project risk**

For routine, low-risk activities, requirements like detailed fish and fish habitat characterizations, multi-season studies, and comprehensive offsetting plans could be simplified or managed through expanded Codes of Practice or Prescribed Works and Waters Regulations (PWWR). Low-risk, well-understood activities with known mitigation measures and minimal impacts currently trigger site-specific reviews, leading to excessive costs and application timelines and creating additional administrative burdens for reviewers. Simplification could include standardized templates for low-risk project descriptions and reduced documentation for projects with no net loss to fish habitat, redirecting DFO resources to higher-impact projects.

While grounding authorizations in a risk-based approach, DFO must also align existing provincial processes or co-management regimes to avoid duplicative and unnecessary reviews.

**Establishing new information requirements tailored to specific project types**

Projects with known or minimal impacts, such as routine maintenance or expansions at operating or brownfield facilities, early-stage exploration activities such as infrequent or temporary water crossings, and decommissioning of legacy sites, would benefit from tailored information and authorization requirements.

Biological and habitat data requirements should be tailored to be proportionate to project risk, allowing the use of existing datasets (public, Indigenous, government, other proponents) where available in place of extensive baseline studies of fish habitat characteristics and species presence, abundance, and life stages. Alignment to PWWRs or well-understood best practices should be acceptable mitigation measures for low-risk project types, preventing the need to develop new study programs, offsets, or mitigation practices unnecessarily.

**Expanding the grounds upon which the Minister can amend an authorization**

Introducing general terms under which the Minister can amend an authorization reduces transparency and certainty for proponents, and will require greater departmental resources and

increase administrative burdens. Moving forward with the proposed changes will effectively require government and proponents to interpret what is meant by “helpful”<sup>1</sup> for ensuring that environmental benefits will be “fully achieved”, and to assess the hypothetical impact of new or innovative technologies on the understanding of project impacts and effectiveness of mitigation measures on a near-continuous basis.

In addition, vagueness around the term “uncertainty” will require further case-by-case assessment unless clear criteria are established (e.g., defining relevant thresholds for scientific data / monitoring results that could warrant an amendment). These ambiguities could lead to inconsistent application across regions or projects, creating uncertainty for proponents who might face unexpected changes years after approval.

Overall, more frequent amendments could strain DFO resources, leading to delays in processing or inconsistent enforcement. Proponents might need ongoing monitoring and reporting to address uncertainties, with these and changes to originally approved work plans causing increased costs or delaying timelines for impacts which have already been addressed to a degree that warranted initial approval.

### **Early engagement by proponents**

To achieve early engagement, DFO must actively coordinate with other regulators, federally and provincially, to determine communities of interest and the scope and scale of consultation. Our members continue to relay experiences that reflect inconsistent designations between federal departments that are substantiated by limited or no evidence and lack explanation, which causes confusion and uncertainty for proponents and Indigenous communities. Clearer protocols for interdepartmental reviews and early, coordinated engagement across federal departments with Indigenous communities are essential in reducing uncertainty for proponents and support Indigenous participation in decision-making. These recommendations align with PDAC’s [submission under the Red Tape Review](#).

In addition to the proposed amendments, DFO must prioritize the timely development of practical compliance tools for these works, including Prescribed Works and Waters Regulations. Advancing these tools will allow departmental and proponent resources to be redirected toward complex, higher-risk projects that merit greater oversight. We urge DFO to publish a clear and time-bound implementation plan for the PWWR, including concrete milestones, deliverables, and stakeholder engagement timelines.

PDAC appreciates DFO’s efforts to improve regulatory efficiencies under the *Fisheries Act*, and thanks you for your consideration of this matter. Please contact Jeff Killeen (PDAC Policy & Programs Director) at [jkilleen@pdac.ca](mailto:jkilleen@pdac.ca) should you wish to discuss our comments further.

Kind regards,



*Lisa McDonald*  
PDAC Executive Director

<sup>1</sup> Fisheries and Oceans Canada. (2026). *Amending the authorizations regulations to right-size regulatory requirements*.