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Alexandra Dostal
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Re. Ecologically Significant Areas (ESA) Framework and Prescribed Works and Waters Regulation

Dear Ms. Dostal:

The Canadian Canola Growers Association (CCGA) appreciates the opportunity to provide feedback on the Ecologically Significant Areas (ESA) Framework and Prescribed Works and Waters Regulation in the Fisheries and Oceans Canada's (DFO) Fish and Fish Habitat Protection Program (FFHPP) Wave Two Engagement.

CCGA represents 43,000 canola farmers from Ontario to British Columbia on national and international issues, policies, and programs to enhance the success of Canadian canola farmers. Canola farmers are committed to the environment and sustainable agriculture which is why the industry has set ambitious sustainability targets for 2025. Farmers will work to reduce their fuel usage by 18% per bushel, increase land use efficiency by 40% per bushel, sequester an additional five million tonnes of CO₂, use 4R nutrient stewardship practices on 90% of canola acres, and continue to safeguard the more than 2,000 beneficial insects that call canola fields and surrounding habitat home.

1.0 Ecologically Significant Areas (ESA) Framework

CCGA acknowledges the federal government is establishing an ESA framework to provide long-term protection and conservation, through regulation, of key areas of fish and fish habitat that are sensitive, highly productive, rare, or unique and ensure effective restoration of such areas as needed. We believe the ESA framework would be most effective, efficient, and inclusive if development is weighed heavily on robust science, transparency, and meaningful consultation.

Clearly established commitments to engage and coordinate with all levels of government during ESA development will help avoid jurisdictional overlap and ensure alignment with local objectives and socio-economic realities. Potential ESAs can have social, economic, and environmental impacts that need to be taken into consideration to avoid unintended impacts on all stakeholders.

The regulatory approach for each ESA should be developed based on the best available science and effective, transparent consultations with all affected stakeholders. No one-size-fits-all approach will work to develop ESAs.

It is also important that establishing ESAs should come with a robust, clear, and understandable

public awareness and communications strategy. Clear public communication ensures that there is a common understanding of the management approach and the rationale for specific prohibitions and restrictions as each ESA will be tailored to specific conservation objectives.

2.0 Prescribed Works and Waters Regulation

CCGA appreciates the opportunity to comment on the development of a PWWR and the work being done to exempt low risk routine activities on farms from the Act through regulations. With respect to specific routine activities (works) that we believe should be included in a PWWR, we are supportive of the Canadian Cattleman's Association's (CCA) detailed list of 'Agriculture Routine Works Around Fish Habitat' presented in Appendix 1.0 of their submission. Canola farmers undertake many of the same works listed in CCA's appendix and we also recommend they be included in PWWR, as they are routine, low risk activities on farms. A copy of CCA's Appendix 1.0 is provided below for reference.

Specific to noise inducing activities in relation to the use of explosives near fish habitat, beaver dam removal is a routine work on farms and ranches across Canada and often requires the use of explosives. Farm-level decisions must be made quickly to protect property, crop, infrastructure, etc. We would seek inclusion of the use of explosives for beaver dam removal in a PWWR with clear guidelines, protocols, and standards. In addition, water crossings, especially as related to minor waters, are a routine activity on Canadian farms. We understand that defining a water crossing in a context that relates to all sectoral stakeholders is challenging based on scale and scope of a specific crossing work. CCGA supports the creation of a separate class within the PWWR for water crossings that would help address those challenges across sectors.

Thank you for the opportunity to share our comments on the development of the PWWR and ESA Framework. We look forward to continued engagement on the development of regulations around the Fisheries Act.

Thank you for consideration of this submission.

Sincerely,

Dave Carey
Vice-President, Government & Industry Relations
Canadian Canola Growers Association

CC: Justine Raftis, Manager, Environment and Sustainability Policy, CCGA

Appendix 1.0 Agriculture Routine Works Around Fish Habitat

Work, Undertaking or Activity	Comments/Explanation
Culverts (construction, installation, maintenance, repair, replacement, rebuilding, and removal)	<ul style="list-style-type: none"> • Some farms across Canada have routinely, and for necessity, installed culverts and erected small bridges to enable passage of equipment and livestock. • These structures also act to protect habitat, are of low impact, many associated with minor waters, and need to be maintained and upgraded/replaced as needed.
Beaver dam removal (dealt with in Code of Practice except re explosives use)	<ul style="list-style-type: none"> • Beaver activity can have a dramatic effect on farm operations (ex. restriction of water needed for crop irrigation and stock watering as well as general farm and ranch operations) • Beaver dams need to be routinely managed, or removed in some instances, to mitigate negative impacts on farm operations and the landscape. • At times, the removal of a dam must occur quickly to avoid associated negative impacts.
Clear-span bridges/Low level crossings (construction, installation, maintenance, repair, replacement, rebuilding, and removal)	<ul style="list-style-type: none"> • These structures also act to protect habitat. • These structures are of low impact, many associated with minor waters, and need to be maintained and upgraded/replaced as needed.
Water conveyance (drainage and supply) ditches, canals. Sediment clean-out, modest dredging, inditch/canal gating/infrastructure	<ul style="list-style-type: none"> • Enabling the transfer of water resources is critical to, and routine on, many farm operations. • Water is transferred for irrigation and stock watering or to enable cross-reservoir filling during high flows in most cases. • Also, for fire protection/response. • In-field drainage (surface and tile) of ephemeral water is routine across the Prairies for grains and oilseed farmers. Small areas of in-field water that may only be present one out of every five years provide no aquatic eco-system services and as such are either drained or tilled to reduce moisture that in an especially wet year would impede crop production. • Drainage and many works in and around creeks that would take place on-farm already require permits under many provincial legislative and regulatory regimes. These permits cover environmental protections, as well and fish habitat provisions.
Reservoirs (man-made dugouts) for farm and ranch operations, livestock, irrigation, etc. (construction, maintenance (including dredging), repairs, treatments for toxic algae and weed	<ul style="list-style-type: none"> • These are usually excavated water holding structures built, most often, to fill with snowmelt runoff and precipitation flow. Water is used for crop irrigation, stock watering, farm household and general farm operational requirements including fire protection/response.

control, rebuilding, removal (in-fill), dewatering).	<ul style="list-style-type: none"> • In a good year, these reservoirs are full by the early growing season but are often close to, or completely, empty by freeze. • In many cases during the hot part of the season these reservoirs must be treated for toxic blue-green algae blooms. • Periodically these reservoirs need to be dredged out due to inflow of silt and debris that comes with high inflows especially during high precipitation/flood events.
Water pumping infrastructures (construction, installation, maintenance, repairs, rebuilding, and removal. Trash rack cleaning, end of pipe screening, moorings)	<ul style="list-style-type: none"> • Ranches routinely pump water from natural waterways and water bodies, often these are fish habitat. • In most cases permits/licenses are required. • Water is used for stock watering, farm household and general farm operational requirements. • In rare instances, irrigation of grains and oilseeds takes place across the Prairies – less than 1% of canola acres are irrigated. • The intake may have in-water structures (rakes) to prevent debris interference with water intake. • The intake must be screened. Should intake screens be standardized? • The extraction of water along with the debris rakes and intake screening can cause incidental death of fish. • Need for maintenance/repairs of infrastructure annually
Crib (wet) wells (construction, installation, maintenance, repairs, rebuild and removal)	<ul style="list-style-type: none"> • These are excavated and structural, often cylindrical (e.g., large culvert end-in ground) wells placed in areas with high water tables (they can be open top or closed over). • Water is used for crop irrigation, stock watering, farm household and general farm operational requirements. • In flooding situations, these well could become temporarily submerged.
Livestock grazing in proximity to fish habitat – Water Crossing Class?	<ul style="list-style-type: none"> • Routine activity
Livestock watering from waters that can be fish habitat – Water Crossing Class?	<ul style="list-style-type: none"> • Routine activity
Periodic livestock crossings of waters that can be fish habitat – Water Crossing Class?	<ul style="list-style-type: none"> • Routine activity
Periodic crossing by vehicles/equipment/range riders of waters that can be fish habitat – Water Crossing Class?	<ul style="list-style-type: none"> • Routine activity
Repairs of road and trail wash-outs due to run-off or high precipitation events, which	<ul style="list-style-type: none"> • Routine activity

may be in proximity to fish habitat – dealt with in Code of Practice?	
Creation of fence line cutbacks are routine on farms and ranches and should be a prescribed work.	<ul style="list-style-type: none"> • Routine activity
Many surface earthworks (e.g., cultivation, seeding, brushwork) are routine on farms and should be a prescribed work.	<ul style="list-style-type: none"> • Routine activity
Pesticide and fertilizer applications to cropland are routine on farms and should be a prescribed work.	<ul style="list-style-type: none"> • It is routine on farms and ranches to apply pesticides to lands to control invasive weeds, insects, diseases – in very rare occasions, in some proximity to fish habitats. • Pesticide and fertilizer application should be exempt because when applied upland and away from creeks, minimal impacts. These are non-point source pollutants that are managed in a variety of different ways through various provincial and federal legislation and regulations.
In-field drainage	<ul style="list-style-type: none"> • Drainage (surface and tile) of ephemeral water for crop/pasture production.
Off stream water catchments	<ul style="list-style-type: none"> • These are excavations created alongside waterways prone to high spring run-off. These excavations are not in fish habitat but are in proximity to fish habitat usually. • As water levels reach to or above the high water mark these excavations fill and are used as livestock (and wildlife) watering sources later in the season as mainstream levels have returned to post run-off levels. • These catchments can act to encourage livestock from watering from the main waterway. • Conceivably, fish could end up being contained
Creek side corrals	<ul style="list-style-type: none"> • Covered by provincial Acts (i.e., Ag Operations Act)
Sediment control	<ul style="list-style-type: none"> • At seasonal inflows, in catchments, reservoirs
Underwater cables	<ul style="list-style-type: none"> • Likely rare, but possibly present on legacy farms/ranches.
Enforcement Model	<ul style="list-style-type: none"> • In at least one jurisdiction (BC) landowners doing work "in and about a stream or water body" on private lands must hire professional oversight creating significant costs. Monitoring is also required. • Recommendations: DFO and Provinces dedicate more staff to assist with flood mitigation and habitat restoration opportunities with the agriculture sector. Build off programs like Cows and Fish and FRISP versus a strict enforcement and costly consultation and oversight.