

Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada
Talkfishhabitat.ca

Subject: Prescribed Works and Waters Regulations

The Canadian Nuclear Association (CNA) is a non-profit organization established in 1960 to represent the nuclear industry in Canada and promote the development and growth of nuclear technologies for peaceful purposes. The CNA is the voice of the Canadian nuclear industry. We have nearly 100 members, representing over 70,000 Canadians employed directly or indirectly in exploring and mining uranium, generating electricity, advancing nuclear medicine, and promoting Canada's worldwide leadership in science and technology innovation.

Many of our members carry out projects and activities in and near fish habitat and as such have considerable interest in Prescribed Works and Waters Regulations.

The CNA is supportive of the objectives outlined in the discussion paper namely:

- Providing of a new option for proponents to comply with the Fisheries Act, without DFO conducting a site-specific review.
- Enabling DFO to use valuable resources on more significant projects.
- Reduced reliance on non-regulatory tools.
- Allowing for equivalency with provinces, territories, and indigenous governing bodies.

Of course, realizing these potential benefits requires a timely and successful role out of the regulations including a consistent interpretation of the regulations. CNA is concerned about the potential long delay before regulations are in place and would urge DFO to proceed at a faster pace perhaps by implementing Interim regulations which would capture some benefits and prevent DFO from being overwhelmed by requests for site specific reviews leading to project delays and cumulative harm to fisheries.

The CNA is of the view that if the objectives are to be met and benefits realized, the regulations must be practical and not cumbersome. They need to be flexible and allow for tailoring to regional needs. Canada is a large country and as a result fish and fish habitat vary considerably and best practice can be expected to vary from region to region. As such, we would encourage the development of region-specific Prescribed Works and Waters.



In developing these regulations, DFO should build on what exists, including best practices and standards of other jurisdictions and industry and DFO's previous work and experience. For example, DFO has or had equivalency agreements with some provinces, and these could act as a blueprint.

CNA is comfortable with the proposed structure of class-conditions-waterbodies and the proposed classes of works, undertakings and activities included in the Consultation Paper, but we would also urge DFO to engage with future users of the regulations in developing the details of class, conditions, and waterbodies.

Thank you for the opportunity to provide our input and we look forward to continuing discussions these regulations are developed.

Sincerely,



Steve Coupland

Director of Regulatory and Environmental Affairs
Canadian Nuclear Association