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Fisheries Act (1985)

The federal Fisheries Act was established in 1985 because fishing practices were depleting fish stocks. The Act concerns the proper management and control of fisheries, the conservation and protection of fish and fish habitat, and the prevention of pollution. Under this Act the term 'fish' applies to all life stages of the fish and other marine animals including crustaceans, shellfish and marine mammals, and fish habitat includes spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly to carry out their life processes (DOJC, 2007b).

Some of the most relevant Sections in the Fisheries Act are as follows.

35 (1) No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.

35 (2) No person contravenes subsection (1) by causing the alteration, disruption or destruction of fish habitat by any means or under any conditions authorized by the Minister or under regulations made by the Governor in Council under this Act.

36 (3) Subject to subsection (4), no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water.

For more information about the Fisheries Act see the Department of Justice Canada website: <http://laws.justice.gc.ca/en/ShowTdm/cs/F-14//en>

The term harmful alteration, disruption or destruction of fish habitat is more commonly known as a HADD. If it is determined by a fisheries officer that a HADD exists or will exist through the development of a project then the [No Net Loss Policy](#) comes into effect. The No Net Loss Policy stipulates that there must be no net loss of biological productivity. In practice, this means that if fish habitat in one area is destroyed, then at least as much habitat of similar productivity must be created elsewhere.

Sections 36 to 42 of the Act are in place to prevent the release of deleterious substances into fish habitats.

Fisheries contribute several billion dollars to the Canadian economy annually and are highly valued as a renewable resource. Provisions of the Fisheries Act affect oil sands development depending on how projects may impact fish and fish habitat. It is part of RAMP's mandate to monitor fish and fish habitat to determine if projects that proceed meet the Fisheries Act provisions.



The Fisheries Act (1985) was established to support the proper management and control of fisheries; the conservation and protection of fish and the protection of fish habitat; and the prevention of pollution.

Source: Keith 2007
(click to enlarge)

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