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RAMP

RIVER

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No Net Loss of Fish Habitat

The federal Fisheries Act is Canada's strongest legislation protecting the aquatic environment. Over time, policies have been created to enhance and improve the legislation, including the [No Net Loss of Fish Habitat](#) (external link), which aims to maintain habitat for fish production. The no net loss policy is governed by the Department of Fisheries and Oceans, Environment Canada and often includes a provincial authority.

Although the destruction of fish habitat is prohibited under the Fisheries Act, there can be project exclusions. These exclusions allow a project to proceed even though the destruction of fish habitat is inevitable. In this case the no net loss policy comes into effect. According to Fisheries and Oceans Canada, the No Net Loss policy can be implemented in the following ways, in order of preference (Department of Fisheries and Oceans Canada, 2006):

1. Maintain the productive capacity of the habitat of concern by redesigning the project or mitigating any potential impacts
2. If maintenance is not possible then explore like-for-like compensation, which involves creation of similar habitat nearby or on the site
3. If compensation is not possible then consider artificial habitat production, an option which must meet very specific objectives outlined by FOC



Catching fish for a fish inventory
Source: Nexen
(click to enlarge)

Although negotiable, often the rule of thumb is that if there has been a harmful alteration, disruption or destruction (HADD) of fish habitat then the habitat must be replaced with twice as much viable fish habitat. All costs associated with either protecting or compensating productive fish habitats that are impacted by the project, and their operation and maintenance, are the responsibility of the proponent (project owner).

To determine how the No Net Loss Policy can best be implemented, FOC will review the proposal in four steps:

1. **Notification** – FOC is made aware of works or undertakings in or near the water and asked to give its approval.
2. **Examination** – FOC examines the potential impacts on fish productivity. The extent of the examination varies with project size and type of impact – biological, chemical or physical.
3. **Public Consultation** – the broader economic, social and environmental implications are assessed through public consultation. This step is especially critical if damage cannot be avoided and compensation is unlikely.
4. **Decision** – the potential for the net loss of productive capacity will be assessed, keeping in mind the economic implications, and come to one of the following decisions:
 - *Permit the proposal to proceed as proposed*
 - *Permit the proposal to proceed with fixed conditions*
 - *Reject the proposal*

Appeals can be made by any person or proponent.

Audits are conducted to monitor the effectiveness of the new or restored habitats.

Enforcement the Department of Fisheries will enforce any legislation for which its Minister is accountable.

In the oil sands region protecting fish habitat is a priority, and great efforts are made by proponents and fisheries officials to ensure that projects adhere to the No Net Loss policy.

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