



March 1, 2013

AIS Regulatory Consultations
145020 - 200 Kent St
Ottawa, ON K1A 0E6
aisreg_eaereg@dfo-mpo.gc.ca

To Whom it May Concern;

Re: Conservation Ontario's Comments on the Intent to Regulate Aquatic Invasive Species Consultation Document

Thank you for the opportunity to provide comments regarding Fisheries and Oceans Canada's (DFO) Intent to Regulate Aquatic Invasive Species Consultation Document. Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs) who are partners with DFO through Fish Habitat Management Agreements. Overall, Conservation Authorities are highly supportive of the federal regulatory proposal to manage aquatic invasive species (AIS). Conservation Ontario (CO) has already submitted the online questionnaire on DFO's Intent to Regulate AIS. These written comments are intended to provide additional feedback on the key elements of the proposed regulation. The comments also aim to encourage the government to clarify objectives and definitions that are to be included in the proposed regulations and the process for providing further input.

Objectives of the Proposed Regulations

The consultation document indicates that the objective of the proposed Aquatic Invasive Species Regulations is to provide a full suite of regulatory tools under the federal *Fisheries Act* to prevent the introduction and spread of aquatic invasive species. It characterizes the existing framework as a "patchwork" regulatory system owing to the use of a myriad of authorities that address concerns related to AIS.

Overall, Conservation Ontario supports Fisheries and Oceans Canada's efforts to streamline the existing framework by providing a full set of regulatory tools to prevent the introductions and spread of aquatic invasive species. However, Conservation Ontario feels that it is important to stress that throughout the development of these new regulations consideration should be given to ensure that provincial and federal regulations are complementary. CO encourages Fisheries and Oceans Canada to establish a multi-stakeholder group from all of the impacted agencies to assist in developing a holistic set of regulations. This will ensure that each agency will be aware of their roles and responsibilities and help to further streamline the framework.

P.O. Box 11, 120 Bayview Parkway Newmarket Ontario L3Y 4W3
Tel: (905) 895-0716 Fax: (905) 895-0751 Email: info@conservationontario.ca

Definitions to be Included in the Proposed Regulations

The proposed regulatory definition of aquatic invasive species is: *“aquatic organisms that, when or if introduced into Canadian fisheries waters, have or are likely to have harmful consequences to fish or fish habitat or the use of fish.”* Some of the terms used in this definition need further clarification. In particular, a clear definition for “aquatic organism” and “harmful consequences” may be needed. The definition of aquatic organism should include aquatic plants and invertebrates so that they can be regulated under the proposed regulations if required.

Key Components of Proposed Regulations

The consultation document identified four key components of the proposed regulation. Overall Conservation Ontario is supportive of the four proposed components.

1. List of Species Affected by the Regulations

Conservation Ontario supports the proposal to include a list of species affected by the regulations. The proposal to perform both biological and socio-economic risk assessments of species intended for listing is also strongly supported. In light of the fact that new species are continually arriving in Canada, it is important to ensure that risk assessments are performed for new potentially harmful species that have a high potential of being introduced into Canadian fisheries waters. These could include species that have posed a threat in other jurisdictions and/or species that are likely to be introduced to Canada in the near future. Consideration should be given to developing a schedule for regular updates to the list of species to be included in this proposed regulation.

To facilitate this updating process Fisheries and Oceans Canada is encouraged to consider setting up a review committee to assist DFO staff to identify candidate species to be affected by the regulations. This committee could be structured to include experts from a wide variety of fields representing all interested parties, similar to the structure of the Committee on the Status of Endangered Wildlife in Canada (COSEWIC).

2. Prohibition Structure to Avoid Introduction and Spread of Aquatic Invasive Species

CO is supportive of the proposed prohibition structure to avoid the introduction and spread of AIS by restricting activities such as importation, transport and possession of live AIS in various locations. This proposal would provide a first line of defense to prevent new introductions of AIS, and would also help reduce the incidence of new introductions and spread of listed AIS throughout Canada. The consideration to have a prohibition structure which aims to provide flexibility to manage species by geographic areas is appropriate and DFO is encouraged to continue to have regard for the work that the provinces and territories are already undertaking to avoid the introduction and spread of AIS.

CO encourages Fisheries and Oceans Canada to move forward with the development of this prohibition structure. As discussed above, when developing these provisions consideration should be given to consulting and working with the myriad of agencies (including Conservation Authorities) that currently address concerns related to aquatic invasive species.

3. Permitting Scheme to Authorize Specific Low Risk Activities

Conservation Ontario recognizes the need to implement a permitting scheme to authorize specific low risk activities (i.e. science). Conservation Authority staff are involved in fish collection activities as part of regular fieldwork duties, thus this permitting scheme has the potential to impact on CA activities. Given their

experience in this area, CAs have expertise and resources that can be leveraged in the development and implementation of this permitting scheme.

As indicated above, it will be particularly important that discussions occur to ensure that new federal permit requirements and existing provincial permitting requirements are harmonized.

4. Authorities for Control and Eradication Activities

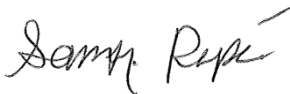
The proposed regulations would provide authorizations to facilitate the use of a wide variety of control and eradication methods. Conservation Ontario supports Fisheries and Oceans Canada's intention to create flexibility in managing aquatic invasive species, without unduly restricting recreational or commercial activities in areas where AIS are established. However caution is needed to ensure that AIS are not introduced from other established areas. Early detection is considered key to any successful rapid response and/or AIS control effort. Therefore, a provision for monitoring and reporting AIS may need to be considered as part of the regulations on control and eradication activities.

Conservation Ontario recognizes that there will sometimes be a need to authorize control activities that have the potential to harm non-target species and is supportive of conditions to ensure that risks associated with these control activities are minimized. Fisheries and Oceans Canada is encouraged to continue to take a leadership role in developing partnerships with agencies such as Conservation Authorities in order to share resources to increase capacity for monitoring of the introduction of AIS and the determining the efficacy of these regulations.

Once again, thank you for the opportunity to provide comments regarding Fisheries and Oceans Canada's Intent to Regulate Aquatic Invasive Species Consultation Document. Overall, Conservation Ontario is highly supportive of the federal regulatory proposal to manage aquatic invasive species. In order to move forward with creating a set of streamlined and holistic regulations, Fisheries and Oceans Canada is encouraged to continue to consult and work with stakeholders from all of the impacted agencies, including Conservation Authorities. As these regulations become finalized DFO should continue to take a leadership role in developing partnerships to leverage expertise, share resources and increase capacity for monitoring and education. Conservation Ontario looks forward to continuing to support the federal government's important work in preventing the introduction and/or establishment of aquatic invasive species in Canada.

Should you have any questions about this letter, please contact me at extension 228.

Sincerely,



Samantha Dupré
Policy and Planning Officer