



## Project planning: Applying for a *Fisheries Act* authorization

Fisheries and Oceans Canada (DFO) is responsible for the conservation and protection of fish and fish habitat through the administration of the fish and fish habitat protection provisions of the *Fisheries Act*.

The fish and fish habitat protection provisions of the *Fisheries Act* prohibit a person from carrying on projects resulting in the:

- death of fish by means other than fishing
- the harmful alteration, disruption or destruction of fish habitat

### Applying for *Fisheries Act* authorizations

If your project is likely to result in any of these prohibited effects to fish and fish habitat, you must apply for and obtain a *Fisheries Act* authorization. If issued, the authorization provides an exception from contravening the prohibition against causing death of fish or the harmful alteration, disruption or destruction of fish habitat, so long as the project is conducted in accordance with conditions established in the authorization.

In an [application for authorization](#), you must explain, among other things:

- the potential effects of your project on fish and fish habitat
- the measures you will take to avoid and mitigate those risks
- your plan for offsetting residual impacts

The [Applicant's Guide Supporting the Authorizations Concerning Fish and Fish Habitat Protection Regulations](#) details the information required in your application for authorization.

If you are uncertain about whether your project might require an authorization, you can [request for DFO to review your project](#). We will help you identify and manage risks to fish and fish habitat, and notify you if an application for authorization is required.

**Did you know?** You can check for aquatic species at risk in the vicinity of your project with the [Aquatic species at risk map](#). If your project could have impacts on an aquatic species at risk, you must include the [Information required for the consideration of the approval of activities otherwise prohibited under the Species At Risk Act](#) with your application for authorization. Your *Fisheries Act* authorization may act as a *Species at Risk Act* permit if needed.

### Timelines for processing applications

DFO's regulated time limits for processing your application for authorization are set in the [Authorizations Concerning Fish and Fish Habitat Protection Regulations](#).

Within 60 days of receiving of your application, DFO will notify you as to whether it's complete, incomplete or inadequate. For incomplete or inadequate applications, a new 60-day time limit will begin once you submit all missing or additional information required. For additional support, please seek advice from a [professional with expertise in the management of fish and fish habitat](#) and DFO's regulatory process.

Once your application is deemed complete and adequate, the time limit for DFO to issue, or refuse to issue, your authorization is 90 days. This time limit does not apply to time needed to allow DFO to complete certain federal legal requirements, including consultation on behalf of the Crown with Indigenous Peoples whose Aboriginal or treaty rights may be adversely affected by your project. You can visit our website to learn more



about the [Crown duty to consult and, when appropriate, accommodate](#) Indigenous Peoples for projects in or near water.

Once consultation is adequate, the time limit will start over, and DFO will either issue your authorization, or notify you of the refusal to do so, within 90 days.

## Tips to avoid delays

A complete and adequate application contains all of the documentation and information set out in the [Authorizations Concerning Fish and Fish Habitat Protection Regulations](#) in sufficient detail for the minister to decide whether or not to issue an authorization under 34.4(2)(b) and/or 35(2)(b) of the *Fisheries Act*, and to confidently decide the conditions and offsets required for authorization.

These tips will help you submit a complete application, and reduce the likelihood of delays. For additional support, please seek advice from a [professional with expertise in the management of fish and fish habitat](#) and DFO's regulatory process.

### Tip 1: Engage Indigenous Peoples early

#### Common mistake

The application does not account for Indigenous concerns or Indigenous communities are engaged only after the project design is completed.

#### Best practices

Begin communications with Indigenous Peoples before submitting your application to DFO, early during the project design phase (including offsetting measures). Engage and work with Indigenous Peoples to identify and address concerns throughout the development of project plans. A co-developed project is ideal. This could reduce the time it takes for DFO to consult with Indigenous Peoples whose Aboriginal and treaty rights may potentially be adversely affected by your project and accommodate where necessary.

### Tip 2: Ensure sufficient detail

#### Common mistake

Not enough detail provided.

#### Best practices

Use the [applicant's guide](#) to build your application, ensuring the details you provide reflect the scale and complexity of your project. Explain the measures you will take to avoid and mitigate risks to fish and fish habitat. This will reduce the likelihood of delays as we review your application for completeness and adequacy. For projects where there are threats to aquatic species at risk, you will be required to include additional information outlined in the [Information required for the consideration of the approval of activities otherwise prohibited under the Species At Risk Act](#).



### Tip 3: Include comprehensive offsetting plan

#### Common mistake

Offsetting plan is not comprehensive or does not adequately counterbalance harmful impacts to fish and fish habitat.

#### Best practices

The offsetting plan must be as complete and detailed as the project plan itself. This plan must provide ample benefits to fish so as to counterbalance all impacts, taking into account any time lags between impacts and offsetting construction and compensating for uncertainty associated with the offset. Consult the [applicant's guide](#), the [Policy for applying measures to offset adverse effects on fish and fish habitat under the Fisheries Act](#) and your regional restoration priorities to build your offsetting plan.