

# Canada's Weakening Aquatic Protection

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Canada's reputation as a natural wonderland has taken a beating lately from an unlikely foe: its own government. Over the past months, deep budget cuts to departments with environmental responsibilities have been announced, including the closure of entire ecotoxicology labs and a unique large-scale aquatic research facility (1). There are also proposals to amend some of the strongest pieces of environmental legislation in the country, including the Fisheries Act. The Fisheries Act currently prohibits activities that harm the habitat of any fish species in any Canadian waters, either fresh or marine, but the new wording would limit protection only to those fishes involved in fisheries (2). This opens the door to unrestricted development on any water body as long as it does not contain federally listed endangered species or fish targeted by a fishery.

The government justifies changing the legislation by saying that it has been applied indiscriminately against ditches or other structures unlikely to bear fish, thereby interfering with landowners and farmers (3). They further argue that removing habitat protection would "[enable Canadians] to undertake activities on their properties without obtrusive interference" (4), implying that the law in its current form is inappropriately preventing routine activities from taking place.

This justification is not supported by the evidence. Between 2006 and 2011 only one proposal in thousands reviewed through the federal environmental assessment process was turned down, and its rejection was only partly due to potential destruction of fish habitat. Furthermore, a survey we conducted of 285 press releases, concerning 1283 convictions by the federal government for violations of the Fisheries Act between 2007 and 2011, showed that only 21 pertained to destruction of fish habitat (5). These low numbers could reflect compliance with the habitat provision of the law, in which case there is no reason to alter it, or a poor enforcement capacity, which cannot be blamed on the law. Neither line of evidence suggests obtrusive interference by the federal government on behalf of fish habitat protection.

The Fisheries Minister argued that current policies go "well beyond what is necessary to protect fish" (6). The continued decline of Canadian fish and other aquatic species due to habitat loss and degradation suggests otherwise (7). The scientific case for protecting aquatic habitats is as strong as ever, and the justifications for weakening protection do not bear up to reasonable scrutiny. Canada should stand up to its responsibility as first signatory to the Convention on Biological Diversity and steward of the world's longest coastline and largest lakes.

## References and Notes

1. H. Hoag, "Canada's renowned freshwater research site to close," *Nature News* (21 May 2012).
2. P. Canada, House of Commons, "An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures," Bill C-38, 41st Parliament, 1st Session, 2011–2012 (Public Works and Government Services Canada, Ottawa, Canada, 2012).
3. Canada, Parliament, House of Commons, Debates, 41st Parliament, 1st session, No. 113 (2012).
4. P. O'Neil, Fisheries Act changes introduced amid debate over new law's intent. *Vanc. Sun* •••, 26 (2012).
5. B. Favaro, J. D. Reynolds, I. M. Côté, "List of published convictions under the

Canadian Fisheries Act, 2007-2011" (<http://tmel.wordpress.com/research-2/brett-favaro/fisheries-act/>).

6. Canada, Parliament, House of Commons, Debates, 41st Parliament, 1st session, No. 109 (2012).

7. J. T. Quigley, D. J. Harper, *Environ. Manage.* **37**, 351 (2006).

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