

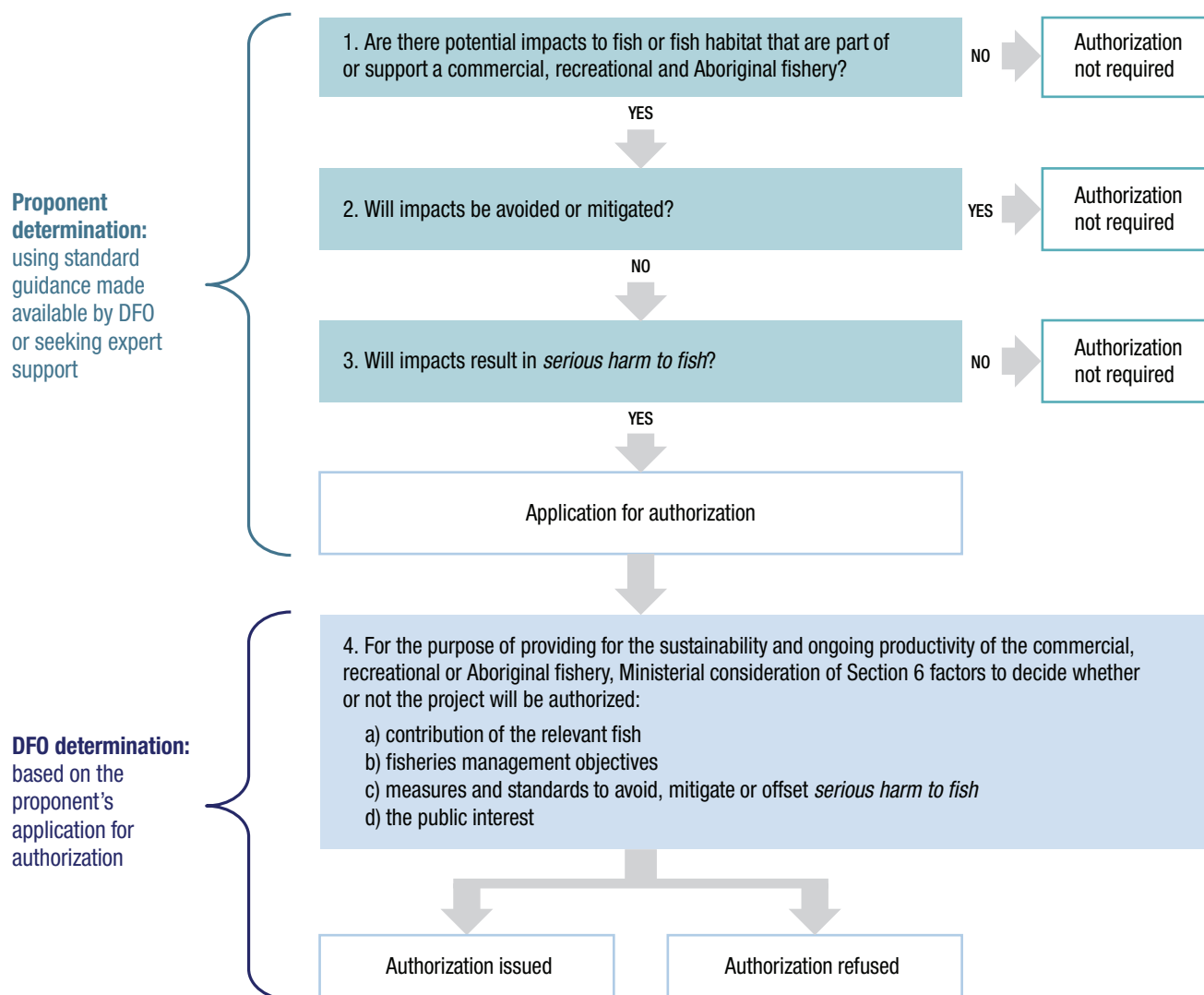
## 8.5 Review and Decision-making Process

An overview of the review and decision-making process is provided in Figure 2. General advice on understanding when a regulatory review or *Fisheries Act* authorization is required is provided in Box 1 and in steps 1 to 3 of Figure 2. When a regulatory review is required, proponents should be prepared to gather detailed information about their project and its impacts, as outlined in Box 1. The information used to answer these questions will also help to satisfy some of the information requirements outlined in the *Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations*.

**Box 1. When considering whether a project is likely to cause *serious harm to fish* and requires an authorization, proponents should identify:**

1. *Impacts to fish and fish habitat caused by the project:* For example, have all potential impacts been considered? Pathways of Effects diagrams, available on the Department's website, may help proponents determine what kinds of impacts can be expected from typical developments.
2. *The expected duration of impacts:* For example, is the duration short enough that it does not diminish the ability of fish to carry out one or more of its life processes? It is important to note that, for many projects, the duration of impact will be longer than the duration of the work taking place in or near the water.
3. *The geographic scale of impacts:* For example, is the scale small enough that the disturbance will not displace fish that would otherwise be occupying the habitat?
4. *The availability and condition of nearby fish habitat:* Is the habitat that is being altered or destroyed the only habitat of its type and quality in the area of the project?
5. *The impact on the relevant fish:* For example, are the fish that are affected by the proposed project likely to experience increased mortality rates, increased stress and reduced fitness as a result of direct injury or reduced habitat function such that a localized effect on a fish population or stock is possible?
6. *Proposed avoidance and mitigation measures:* Will measures to avoid and mitigate *serious harm to fish* be applied such that all *serious harm to fish* is avoided? If so, an authorization is not required. If *serious harm to fish* remains after all avoidance and mitigation measures have been applied, an authorization may be required. Proponents should apply for an authorization following the *Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations*.

Figure 2. Summary of the development proposal review and decision-making process.



Using standard guidance made available by DFO, or by seeking expert advice as required, proponents are responsible for determining whether their projects are likely to require authorization and, if so, to apply for authorizations. DFO is responsible for reviewing applications for authorizations and determining whether or not to authorize the project, based on the consideration of Section 6 factors. The answers to the questions in steps 1 to 4 should be informed by the advice in the Fisheries Protection Policy Statement. More specifically, step 1 is informed by 8.1 of this document "Scope of the application of the prohibition"; steps 2 and 3 are informed by 8.2 "Serious harm to fish" and 8.3 "Provisions for flow and fish passage", and the material in Box 1 and step 4 is informed by the 8.4 "Factors to be considered".