



## CEA-DFO MOU ON HABITAT MANAGEMENT

### OBJECTIVE AND PRINCIPLES FOR THE COMPLIANCE FRAMEWORK<sup>1</sup>

#### OBJECTIVE

The objective of this Compliance Framework is to provide guidance for the certain, clear, consistent and efficient application of the fish and fish habitat protection provisions of the *Fisheries Act*.<sup>2</sup>

#### GUIDING PRINCIPLES

1. The electricity generation industry is committed to on-going compliance with the *Fisheries Act*.
2. This Compliance Framework does not fetter the Minister's discretion for the administration and enforcement of the *Fisheries Act*.
3. DFO, in making decisions under the *Fisheries Act* will consider and integrate relevant legal, social, economic, technical, and environmental interests.
4. DFO, in making decisions under the *Fisheries Act*, with respect to existing facilities and their operation will consider relevant factors related to the granting, and content of licenses, permits, approvals, or authorizations, under provincial or federal law.
5. DFO, in making decisions under the *Fisheries Act* with respect to proposed alterations to existing facilities and their operation, will give primary consideration to changes to prevailing conditions of fish and fish habitat in determining the impacts of the proposed alterations.
6. DFO, in making decisions under the *Fisheries Act* will consider impacts using a science-based ecosystem approach (i.e. watershed, population or similarly broad approach) that recognizes fish and fish habitat protection objectives, and will apply professional judgment to seek effective and practical solutions.

<sup>1</sup> This document is a **final draft** until the compliance framework in its entirety is completed.

<sup>2</sup> Note: The relevant provisions for this document are those set out in Annex I of the Draft Compliance Framework document.

7. DFO will consider the development of mechanisms and tools by industry to avoid or minimize impacts to fish and fish habitat as a means by which compliance with the *Fisheries Act* may be achieved.
8. DFO, in reviewing compensation plans, will take into consideration any additional habitat created by the proponent beyond previously agreed-upon targets.
9. DFO and industry will communicate on compliance requirements of the *Fisheries Act* and on related policies, guidelines, and programs in a full, frank, and timely manner, except for communications in respect to on-going investigations
10. DFO and industry will pursue opportunities for continuously improved administrative efficiency.

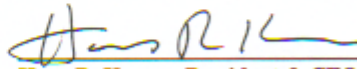
GOVERNMENT OF CANADA



Larry Murray, Deputy Minister  
Fisheries and Oceans Canada

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CANADIAN ELECTRICITY  
ASSOCIATION



Hans R. Konow, President & CEO

23/10, 2003