The Canadian Association of Forest Owners (CAFO) represents companies and individuals who own about 3 million ha of forest land in Canada and manage an additional 15 million ha of Crown land. We work with the 450,000 woodlot owners and farmers who manage smaller areas of forest. Private forests contain abundant, high quality wildlife and fisheries habitat. Healthy fisheries habitat is an indicator of healthy and productive forest ecosystems which in turn translates into healthy and successful businesses for forest owners. CAFO members are maintaining fish habitat on private land at their own expense by forfeiting some of the uses in adjacent riparian zones, buffer zones and restricted management areas.

When examining the *Fisheries Act*, CAFO offers a few priorities for the Committee to consider. These include:

- Engaging with forest owners;
- Focusing on results rather than process;
- Using risk analysis to determine when and how the Act will be applied;
- Coordinating with provinces to create a single point of entry;
- Continuing to exclude man-made water bodies and structures as habitat for fish;
- Creating a clear, transparent, and easily understood act; and
- Investing in stewardship programs.

Forest Owners include a range of businesses from large, industrial owners to individual woodlot owners and farmers who have very different capabilities to respond to regulatory, reporting and implementation requirements. With this in mind, the Act should include the most effective ways to engage with forest owners to ensure we have their understanding and support.

The *Fisheries Act* must be based on results, not process. The new Act will work if it considers the variations in forest types, habitat and ecosystems and includes flexibility and results-based approaches that include working cooperatively with forest owners. Best management practices combined with existing forest management laws, and regulations, and the use of forest certification systems, including regular independent third party audits, will greatly reduce the risk to fisheries and habitat.

Risk assessment should be used to streamline the application process and the overall implementation of the Act. The requirements for applications and reporting should reflect a project’s level of risk.

It will be important to coordinate changes and implementation with the provinces to avoid duplication and simplify applications, reporting, verification and other requirements. A single point of entry into “the system” will greatly improve the willingness of forest owners to engage and greatly enhance the likelihood of success.

Forest owners have some challenges with man-made structures. Drainage ditches, reservoirs, and irrigation channels had previously been subject to the same legislation and regulations as natural water bodies. This resulted in lengthy and costly application processes for permits and authorizations and resulted in a focus on compliance and enforcement. The definition of fish habitat should be restricted to watercourses where fish are present.
It will be essential to create a clear, consistent, transparent, and easily understood Act. Briefings, presentations, and plain language explanatory documents will greatly improve both the understanding of any changes and the likelihood of acceptance and implementation of those changes. When regulatory changes require additional departmental resources, there should be corresponding increases in staffing and infrastructure to allow timely processing.

With respect to species at risk under the *Fisheries Act*, there are challenges that should be addressed as part of the changes to the Act. These include definitions of habitat (i.e. man-made structures and water bodies), the lack of landowner consultation during recovery planning, the questionable identification of species “at risk” by COSEWIC, the failure to distinguish between public and private land and a focus on forestry operations when other activities are the cause of the problems.

The *Fisheries Act* will achieve the desired results though investments in stewardship programs, coupled with regular reporting and verification. Conservation agreements, similar to those found in the *Species at Risk Act* and programs that incent the provision of ecological goods and services will be important to include in the Act.