



NOV 6 2007

Mr. Paul Wilkinson
The Green Coalition
391 Touzin Avenue
Dorval, Quebec
H9S 2N3

Dear Mr. Wilkinson:

Thank you for sharing your concerns in your June 15, 2007, Environmental Petition No. 212, submitted under the provisions of the *Auditor General Act* to the Commissioner of the Environment and Sustainable Development. Fisheries and Oceans Canada (DFO) has reviewed your questions in conjunction with other federal departments. Question 4 was directed to my department.

Q4 - Will the Department of Fisheries investigate the situation to determine the extent of the damage and to see if the fish habitat can be reinstated? If so, when? If not, why not?

Under the *Fisheries Act*, the primary mandate of DFO with respect to fish habitat protection is to ensure that any proposal undertaken in the aquatic environment is in compliance with subsection 35(1) of the Act, which reads as follows:

No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.

When a proposal is referred to DFO for review, the department will determine, according to its *Policy for the Management of Fish Habitat*, if there is a risk that the work or undertaking could result in a harmful alteration, disruption or destruction of fish habitat (HADD). If DFO determines that the risk is low, the department will advise the proponent whether the project can be carried out as proposed or with mitigation measures. If DFO determines that the risk is high, it can authorize the HADD according to subsection 35(2) of the Act which reads as follow:

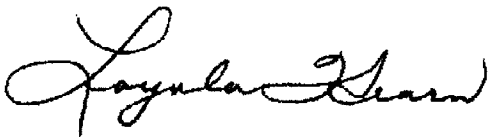
No person contravenes subsection (1) by causing the alteration, disruption or destruction of fish habitat by any means or under any conditions authorized by the Minister or under regulations made by the Governor in Council under this Act.

However, before issuing an authorization, DFO will need to ensure that an environmental assessment (EA) of the project is undertaken according to the *Canadian Environmental Assessment Act*. Following the EA, if DFO concludes that the project is not likely to cause significant adverse environmental effects, it can issue its authorization under subsection 35(2) which could include mitigation measures and other conditions. It is important to note that DFO does not authorize the work or undertaking, but rather the impacts to fish habitat resulting from the work or undertaking.

At this time, DFO has not received a proposal from *Aéroport de Montréal* for any works or undertakings in the area mentioned in your petition. Should a proposal be referred to DFO, it will be reviewed to ensure that any works or undertakings are conducted in compliance with the habitat protection provisions of the *Fisheries Act*. Until then, no investigations are planned with respect to the state of the fish habitat in the concerned area.

Thank you for conveying your concerns on this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Loyola Hearn".

Loyola Hearn, P.C., M.P.

cc: The Honourable John Baird, P.C., M.P., Minister of the Environment
The Honourable Tony Clement, P.C., M.P., Minister of Health and Minister for
the Federal Economic Development Initiative for Northern Ontario
The Honourable Lawrence Cannon, P.C., M.P., Minister of Transport,
Infrastructure and Communities
Mr. Ronald Thompson, Interim Commissioner of the Environment and
Sustainable Development