

Regulatory and Permitting Efficiency for Clean Growth Projects

The [Cabinet Directive on Regulatory and Permitting Efficiency for Clean Growth Projects](#) focuses on the federal efforts needed to accelerate regulatory efficiency for clean growth projects. It is intended to help get clean growth projects built faster by accelerating decision-making related to these projects. For more information, please visit the [Clean Growth Office](#).

Section 1. Overview of Department of Fisheries and Oceans Canada's Role in Supporting Regulatory and Permitting Efficiency

As a federal regulator, Fisheries and Oceans Canada (DFO) is responsible for the implementation of the Cabinet Directive within its mandate. Efforts to do so have mainly focused on finding regulatory efficiency internally, coordinating with other federal entities to find efficiencies when different regulatory processes interact together, and advancing culture change through internal communications.

Regulatory and permitting efficiency are advanced through the administration of the fish and fish habitat protection provisions of the *Fisheries Act*, and administration of the *Species at Risk Act*, with respect to aquatic species at risk. Specifically, DFO is strengthening service standards, providing timely guidance to proponents, and coordinating consultation activities with Indigenous Peoples.

DFO has also undertaken reviews of internal and external guidance to ensure they are up to date, and is revisiting regulatory processes to identify opportunities for efficiency where feasible. DFO is also working with other federal entities to align regulatory processes where suitable to reduce duplication of efforts and ensure a clear regulatory process for proponents. Taken together, these efforts have formed DFO's approach to responding to the Cabinet Directive.

Section 2. Results for Thematic Areas of the Cabinet Directive

Theme 1: Strengthening service standards

Results Achieved:

- Respond quickly to proponent applications;

When receiving an application for a *Fisheries Act* authorization, DFO has regulated timelines of 60 days to determine if the application is complete. Once an application is deemed complete and adequate, the time limit for DFO to issue, or refuse to issue an authorization is 90 days. Almost all of the time, those timelines are met by the department.

- Ensure clear standards for risk evaluation and lines of accountability across regional offices; and

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DFO developed an overview of the Fish and Fish Habitat Protection Program’s risk management framework. This is intended to both inform proponents and guide staff on the application of the fish and fish habitat protection provisions of the *Fisheries Act* in a way that considers potential risks to fish and fish habitat.

- Provide the Clean Growth Office with timely information necessary to implement this Directive.

DFO provides regular updates on the status of clean growth projects and provides timely information related to processes and efforts to improve regulatory efficiency.

In addition, DFO is committed to supporting ongoing efforts within the Clean Growth Office to advance regulatory efficiency. This includes responding quickly to requests and providing diligent advice when required in a timely fashion.

Theme 2: Providing timely guidance to proponents

Results Achieved:

- Work together to provide risk-informed, project-specific guidance on information requirements and reduce duplication in subsequent information requests to proponents and consultations with Indigenous rights-holders;

DFO will produce an annual report on trends in information requests to proponents, timelines for decision-making, and actions taken to reduce inefficiencies. The objective is to ultimately decrease the number of those information requests, which would improve the fluidity of DFO’s regulatory process. This work has already led to the development of guidance aiming to clarify information requirements for applying for a *Fisheries Act* authorization (FAA). The list of such guidance can be found below.

A yearly report on this work will be made public on DFO’s [Projects Near Water website](#).

- Consider project risks relative to Canada’s climate action and biodiversity objectives; and
- When reviewing an application for authorization, DFO has a list of factors that are considered prior to taking a decision as outlined in Section 2.5 and Subsection 34.1(1) of the *Fisheries Act*. Consideration of these factors allows for DFO to consider the relevant risks posed for a proposed project and establish conditions to avoid, mitigate, or offset impacts that may pose higher risks.
- Ensure internal and external guidance for information required for assessment and permit applications is up-to-date.

As directed by the Cabinet directive, DFO has undertaken a review of internal and external guidance to ensure that they are up to date. This has resulted in the modification of several pieces of core guidance or the development of complementary guidance:

- Development of a [tip sheet](#) to support proponents navigating a *Fisheries Act* authorization process, and the development of a [tip sheet](#) to support proponents seeking a *Species at*

Risk Act permit or a *Fisheries Act* authorization acting as a *Species at Risk Act* permit.

- Development of an *Applying for Project Authorization* fact sheet aimed at proponents, that summarizes the [Applicant’s Guide Supporting the Authorizations Concerning Fish and Fish Habitat Protection Regulations](#) (Applicant’s Guide). This fact sheet aims to assist proponents in producing complete applications that facilitate the review process by DFO.
- Development and publication of the [Risk Management Framework Overview](#) that provides information about the Fish and Fish Habitat Protection Programs risk management approach, supports development and implementation of other policy and guidance tools related to managing project risks, and provides context on the implementation of the *Fisheries Act*, *Species at Risk Act*, *Aquatic Invasive Species Regulations*, and the *United Nations Declaration on the Rights of Indigenous Peoples Act*.
- Modification of the FAA application form to include references to the relevant section of the [Authorizations Concerning Fish and Fish Habitat Protection Regulations](#) and the Applicant’s Guide to provide further context and clarity to the proponent. This will help proponents in finding information on how to fill their FAA, from the application itself.
- Development of sample complete applications to provide a point of reference for proponents on DFO’s expectations regarding the level of information required. This will provide proponents with very concrete and tangible examples of the information expected in a FAA by DFO.
- Development of an [external offsetting policy](#) to provide further clarity to proponents on how DFO administers offsetting requirements, as well as the main objective of offsetting for residual impacts. The majority of information requests sought additional information on offsetting plans; providing further clarity on DFO’s expectations will assist proponents in submitting sufficient offsetting plans the first time around.
- Development of a ‘[tip sheet](#)’ to support proponents in creating an offsetting plan required as a part of their permit application. The tip sheet can lead to a reduction of information requests by strengthening the initial offsetting plan before it is submitted to DFO.

Theme 3: Coordinating consultation with Indigenous Peoples

Results Achieved:

- Coordinate Crown consultations with other regulatory departments and cooperate with a Crown consultation coordinator; and

DFO supports coordination of consultation efforts conducted on projects subject to an Impact Assessment as well as projects not subject to an Impact Assessment in which there are multiple federal permits required. This has included supporting pilot studies that seek to better coordinate consultation efforts, led by the Impact Assessment Agency of Canada.

DFO will continue to support efforts to coordinate consultation activity and support the crown

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consultation coordinator.

- Increase practice of early engagement ensure actions align with the United Nations Declaration on the Rights of the Indigenous Peoples.

DFO processes require the early and meaningful engagement with Indigenous peoples. This is included as a mandatory information requirement when a proponent submits an application for authorization.

DFO has also taken the step of reiterating to proponents the importance of early and meaningful engagement with Indigenous peoples in recently published tip sheets: [Project planning: Applying for a Fisheries Act authorization](#), and; [Project planning: Applying for a Fisheries Act authorization acting as a Species at Risk Act \(SARA\) permit or a stand-alone SARA permit](#).

These are intended to provide guidance to proponents on best practices in navigating DFO's regulatory processes, and reiterate the importance of early engagement to do so.