



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Ontario and Prairie Region

Région de l'Ontario et des Prairies

November 5, 2024

Ms. Claire Malcolmson  
Executive Director  
Rescue Lake Simcoe Coalition  
< [rescuelakesimcoecoalition@gmail.com](mailto:rescuelakesimcoecoalition@gmail.com) >

Ms. Margaret Prophet  
Executive Director  
Simcoe County Greenbelt Coalition  
< [www.simcoecountygreenbelt.ca](http://www.simcoecountygreenbelt.ca) >

Mr. Bill Foster  
President  
Forbid Roads Over Greenspaces  
< [bfoste4@gmail.com](mailto:bfoste4@gmail.com) >

Dear Ms. Malcolmson, Ms. Prophet, and Mr. Foster:

I am writing in response to your correspondence of September 13, 2024, addressed to the Species at Risk Public Registry Office and to Ms. Claire Malcolmson, Executive Director, Resue Lake Simcoe Coalition, regarding the proposed Bradford Bypass across the Holland River valley. Thank you for providing a copy of your correspondence to Fisheries and Oceans Canada (DFO) officials. I appreciate the opportunity to respond.

The Redside Dace Recovery Strategy (Recovery Strategy) and action plan identify the species' critical habitat, which aligns with the provincial habitat regulations under Ontario's *Endangered Species Act*. Now that the Recovery Strategy is final, the next step is to make the critical habitat order, which will legally protect redside dace critical habitat. DFO and Parks Canada are working diligently to ensure that the final order is in place within the legislated 180-day timeframe set by the *Species at Risk Act* (SARA).

The Recovery Strategy provides maps of the areas within which critical habitat is found. If new information becomes available in the future to support changing the critical habitat of the redside dace, the Recovery Strategy could be updated as appropriate (taking into account feedback from public consultation).

The goal of the Recovery Strategy is to facilitate the long-term survival and recovery of redside dace in Canada by addressing key threats to the species and its habitat. This strategy provides a roadmap for the conservation and recovery efforts needed to improve population stability and habitat conditions. By focusing on habitat protection, population monitoring, and the reduction of key threats, we aim to prevent further declines and facilitate the recovery of this unique species. Collaboration with provincial, municipal, Indigenous, and community partners will be essential to the success of this strategy.

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DFO is responsible for reviewing projects that could directly or indirectly affect fish and fish habitat, including redbreasted dace habitat. DFO reviewed a project proposal in 2022 and provided a Letter of Advice for two culvert extensions and channel realignment as early works for the Bradford Bypass; DFO has not received a Request for Review for the remaining works relating to the Bradford Bypass.

The Minister of Fisheries and Oceans is responsible for aquatic species under SARA (except for individuals in or on federal lands administered by Parks Canada). She also has powers, duties, and functions under the *Fisheries Act* (the Act). Subsection 34.4(1) of the Act prohibits works, undertakings, and activities, other than fishing, that result in the death of fish. Subsection 35(1) of the Act prohibits works, undertakings, and activities that result in the harmful alteration, disruption, or destruction of fish habitat. The Act provides for various means to authorize such works, undertakings and activities, including authorizations issued by the Minister. When reviewing an application for an authorization, DFO considers whether appropriate avoidance and mitigation measures will be implemented, in addition to an offsetting plan.

Under SARA, it is prohibited to kill, harm, harass, capture, take, possess, collect, buy, sell, or trade individuals of aquatic species listed as endangered, threatened, or extirpated. SARA also prohibits the destruction of any part of the critical habitat of any listed species. The Minister of Fisheries and Oceans has the authority to issue permits for activities that would contravene any of these prohibitions, subject to specific preconditions set out in SARA. It is important to note that the location of the Bradford Bypass is not within the redbreasted dace's critical habitat. Therefore, if the proponent were issued a *Fisheries Act* permit, it would not serve as a SARA permit insofar as the destruction of critical habitat is concerned.

I hope that my response has helped to address your questions.

Yours sincerely,

Tricia Mitchell  
Regional Director General  
Ontario and Prairie Region

c.c.: Office of Honourable Steven Guilbeault, P.C., M.P.  
Minister of Environment and Climate Change  
Office of Ms. Julie Dabrusin, M.P.  
Toronto–Danforth  
Office of Mr. Nathaniel Erskine-Smith, M.P.  
Beaches–East York  
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