

**British Columbia Aquaculture Regulatory Regime  
Public Reporting of Regulatory Information  
Under the British Columbia Aquaculture Regulatory Regime**

*(DRAFT – July 10, 2011)*

## **1.0 Introduction**

Increased transparency is stated DFO commitment in implementing the British Columbia Aquaculture Regulatory Program (BCARP). Based on consultations during the development of the new regulatory regime, and on trends in eco-certification, an important aspect of transparency for the public is access to information on environmental monitoring and outcomes as well as regulatory compliance. Public reporting will enable the public to be better informed concerning the environmental, scientific and operational status of aquaculture operations in British Columbia (BC) with the objective of promoting higher levels of public confidence in the aquaculture industry.

The *Pacific Aquaculture Regulations* set out areas where DFO may require aquaculture licence holders to report. Specific requirements will be set out in conditions of licence for each category of licence holder (marine finfish, shellfish, freshwater, enhancement).

Information may be collected through reports submitted by entities being regulated, or through federal inspections of licensed operations. However, BCARP public reporting obligations will not apply to information that may be provided to DFO through voluntary participation in research projects or which is supplied for other voluntary purposes.

In addition to information available through licence holder reports, DFO will maintain records such as conditions of licence, operational guidelines and protocols, and inspection statistics. DFO will typically also hold additional information related to compliance with conditions of licence and outcomes of completed investigations and prosecutions, and may also generate its own data in the above areas through federal inspections of licensed operations.

This document is intended to guide DFO in achieving consistency in the transparency of its public reporting approach to aquaculture-related information, and inform the public of DFO's intentions in this regard. It sets out the types of information that DFO intends to publish related to BCARP, the timing, form and mechanism for such releases.

## **2.0 Purpose**

DFO's objectives in developing and delivering an enhanced public reporting approach as part of BCARP are to:

- Foster higher levels of public confidence in aquaculture management through an open and transparent approach to making information readily available to interested members of the public in a timely manner, and

- Enable the public to have access to substantial amounts of information concerning the environmental, scientific and operational status of BC aquaculture operations while complying with the Access to Information Act and Privacy Act;

The increased availability of information is intended to enable the public to be better informed concerning the environmental, scientific and operational status of aquaculture operations in British Columbia and should result in a higher level of public confidence in the aquaculture industry.

Consistent with the *Access to Information Act* and the *Privacy Act*, in making aquaculture information more readily available to the public in a timely manner, DFO will withhold from public disclosure certain protected information.

### **3.0 Scope of Information to Be Released**

There are three main categories of aquaculture-related information that will be publicly reported:

1. Regulatory information related to licences and licence holders, including:
  - a. Licence holder reports, plans for aquaculture operations, and other submissions required as a condition of licence;
  - b. DFO audit and investigation reports including any environmental data collected, and compliance outcomes; and
  - c. Inspection and compliance statistics.

The following exclusions would apply to information under this category:

- Exclusions for Licensee Reports. Personal Information as defined in the *Privacy Act* (e.g., names, contact information) of employees and third parties. As the Licensees cannot furnish consent on behalf of a third party, information attributable to identifiable employees or contractors of a Licensee must not be disclosed.

However, under section 8 of the *Privacy Act*, the identity of parties receiving a discretionary benefit of a financial nature (including the granting of a licence or permit including the name of the individual and the exact nature of the benefit) is not protected. Consequently, DFO intends to report limited amounts of information specifically pertaining to individual Licensees.

- Information related to investigations or prosecutions. This information will typically be released once a decision has been rendered.
- Information collected for annual statistical reporting and geoduck, sea urchin, and sea cucumber landing reports – Consistent with fisheries generally, this information is reported on an aggregate basis.

- Information that may be provided to DFO through voluntary participation in research projects or that which is supplied for other voluntary purposes.
2. DFO policies and programs supporting delivery of DFO's legislative and regulatory responsibilities, including:
- a. DFO policies and operational guidance and protocols;
  - b. Conditions of licence for each licence holder; and
  - c. Integrated aquaculture management plans.

As well, legislation and regulations that set out Departmental mandates, authorities and directions are available on the website <http://www.dfo-mpo.gc.ca/aquaculture/links-liens-eng.htm>

3. Reporting on applications under review and DFO-related decisions including:
- Summaries of the applications for new sites or for amendments to existing licences that potentially result in substantial increases to the environmental footprint (i.e., more than a 10% change in benthic footprint expected). The summary data would include location, species, volume and other key information.
  - Decision information, including summaries of the outcomes of environmental assessments undertaken for new licence applications and applications for amendments to existing licences that have the potential to substantially increase the environmental footprint, as well as other pertinent information.

#### **4.0 Form and Timing of Release of Information**

The following approaches will typically be used in the publication of information:

- A data stewardship approach is to be implemented wherein designated DFO staff are to be accountable for the final sign-off of data.
- All information collected as a condition of operator licenses will typically be published, except that which is protected under the *Access to Information Act* and *Privacy Act*. However, data may be aggregated at the industry level where more practical or informative.
- In cases where information will typically be published in a relatively raw form:
  - Information submitted by Licensees will typically be compiled and assessed by DFO on receipt to ensure the Licensee report is complete and final, and to exclude sections as noted above.

- Context may be developed, as appropriate, to ensure that readers have sufficient information about the source and meaning of the material.
- Licence holder reports will typically be made available as PDF documents, and will typically be made available only in the language provided.
- DFO intends to prepare an annual BCARP report and may prepare complimentary summary and analytical reports.

#### ***Data Stewards***

*Data Stewards* are designated individuals in an organization who are responsible for the definition, management, control, integrity, maintenance and associated business rules governing a defined set of business information. Data stewardship is a business-focused, information management role not an information technology role. DFO Information Management and Technology Services would be responsible for the technical environment and database structure within which the information is managed. Communications Public Reporting will be responsible for posting of the information. All information to be publicly reported will be assigned a data steward for authentication and compliance with the policy direction of DFO.

It is DFO's intention to facilitate timely publication of regulatory information on a regular basis. For several categories of information, however, DFO will take appropriate measures and time to ensure that privacy concerns and data stewardship requirements are met, for example:

- Protection of sensitive production inventory and disease surveillance information which may have the potential to affect the competitive position of a licensee or licensees within the sector. Such information will typically be reported at the end of a production cycle;
- Time lags required for authentication, compilation, and analyses of data as submitted by licence holders;
- Translation and accessibility requirements – time required to transform the information into the appropriate language and presentation formats for compliance with Treasury Board guidelines under the Communications Policy of the Government of Canada

#### **5.0 Timing**

The following outlines the targeted timeframes for publication of typical types of data on an ongoing basis. Timeframes may be longer during the initial years of program to allow information management systems to be put in place; actual information reported will reflect conditions of licence for a given period and may change over time.

**Within 20 business days of receipt of information, as raw data, information such as:**

- Escape information,

**On quarterly basis, with a period of 1 quarter lag (90 business days) of receipt of information:**

**For all new sites, basic site data such as:**

- Licence holder/Operating Party name;
- Site location/description; and
- Species grown.

**For Marine Finfish new sites, information such as:**

- Maximum allowable peak biomass
- Substrate type; and
- Containment array management plan.

**For Marine Finfish ongoing operations, information such as:**

- Sea lice counts;
- Incidental catch;
- Marine mammal entanglement;
- Use of therapeutants;
- Detailed sea lice reports (as per the requirements laid out in Appendix VII of the Marine Finfish Conditions of Licence);
- Detailed escape event, recapture and prevention measure reports (as per Appendix IX of Marine Finfish Conditions of Licence);
- Incidental catch log;
- Predator control measures;
- Reports of marine mammal accidental mortality;
- Reports of spills;
- Annual feed and chemical release reports;
- Reports on mass fish mortalities;
- Notice of transfer events; and
- Annual report on use of lights.

**For Shellfish operations, information such as:**

- Reports of Marine Mammal accidental mortality;
- Reports of spills; and
- Notice of transfer events.

At the end of a production cycle (for business confidentiality reasons),

**For Marine-based finfish operations, information such as:**

- Inventory and stocking plan (annual) and reports<sup>1</sup>;
- Details regarding importation and transfers of fish;
- Fish health and fish mortality diagnoses;
- Population Harvest Declaration form.<sup>1</sup>

**For Shellfish operations, information such as:**

- Report on collection of spat of licenced species;
- Harvest notification for geoduck, sea cucumber, and sea urchin;
- Details regarding importation and transfers of fish; and
- Spat collection activities for specified locations.

**For Freshwater operations, information such as:**

- Fish Health and Fish Mortality event reports.

**For Enhancement, information such as:**

- Fish Health and Fish Mortality event reports.
- Note that for all DFO enhancement projects and Community Involvement Projects reporting will be carried out annually through the SEP Planning and Assessment Unit.

For end of production cycle material, the publication of information will typically lag its collection by one calendar quarter to ensure consistency and readiness for release. For example, it is expected that quarterly reports will typically lag by one quarter to allow time for the above processes. Specific circumstances may dictate that extended time lags are required.

Where there is a public interest for some types of information to be reported earlier than indicated above, the Department may release aggregated data. With respect to licence and licence holder information, Annex 1 lists intentions for timing of information release by category and priority with respect to 2011/2012. It is noted that until such time as the Information Management system is developed and put into operation, some extension of the timelines beyond those described below may be required for DFO staff to authenticate, compile, and publicly report aquaculture regulatory information in BC.

## **5.0 Processes for Publication of Information and Public Access**

Public reporting by DFO of aquaculture information will typically be accomplished primarily via electronic publication on the following website: <http://www.pac.dfo-mpo.gc.ca/aquaculture/index-eng.htm>.

## **6.0 Signatures**

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Susan Farlinger  
Regional Director General

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Kevin Stringer, Assistant Deputy Minister  
Program Policy

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David Balfour, Senior Assistant Deputy Minister  
Ecosystems and Fisheries Management

**Annex 1: Public reporting for aquaculture management regulatory information in Pacific Region. Note: This table provides general information on intentions, but is not a definitive list of information to be reported. Please see the approach.**

Report Category	Information Component	Timing for First Roll-Out of Data *	Reporting Cycle			
			Within 20 business days of receipt	Quarterly **	Annual ***	End of Production Cycle
Licensee Operational Information	<b>Contact information</b> for licensee and 3 <sup>rd</sup> parties (contractors, employees) associated with licensees	withheld				
	<b>License information</b> – such as license holder/operating party name; site location/description; terms and conditions of license; species licenced to be grown (even if not currently active); maximum allowable peak biomass;	I		X		
	<b>Inventory and fish stocking plans for marine finfish</b> – such as species grown	III				X

\* Timing for first roll-out of data: I = June 30, 2011; II = September 30, 2011; III = Post December 2011

\*\* Quarterly Reports lag by one quarter

\*\*\* Annual Reports will lag by one quarter

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			Within 20 business days of receipt	Quarterly **	Annual ***	End of Production Cycle
	Fish transfers notifications of intent and plans; actual reported transfers	II				X
	<b>Fish management plan information for marine finfish</b> – such as containment array management plans; fish escape prevention plans; predator control measures; feed and chemical release reports	III			X	
	<b>Fish health for marine finfish</b> – such as fish mortalities; disease outbreaks; application of therapeutants	III		X		
	<b>Sea Lice</b> – such as licensee reports; sea lice counts	I	X			
	<b>Escapes</b> –escape incident reports	I	X			
	<b>Escapes</b> – notification of follow-up actions taken	I		X		
	<b>Marine Mammal Interactions</b> – such as	I	X			

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			Within 20 business days of receipt	Quarterly **	Annual ***	End of Production Cycle
	predator control measures; reports of marine mammal accidental mortality					
	<b>Marine Mammal Interactions</b> – report of entanglement	I		X		
	<b>Incidental By-Catch</b>	I		X		
	<b>Information related to importation of Eggs</b>	I	X	X		X
	<b>Marine environment reporting</b> – such as benthic monitoring;	I				X
	Compliance and Enforcement Reports	III			X	
DFO Management Reporting	Audit and Investigation Reports	III			X	
	<b>Aquaculture licence applications pending</b> – summary information	II		X		
	<b>Aquaculture licence application decisions</b>	II		X		
	Summary of BCARP program	I			X	
	Program enablers – such as regulations; IMAPs; other aquaculture policies;	Various			Various	

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Report Category	Information Component	Timing for First Roll-Out of Data *	Reporting Cycle			
			Within 20 business days of receipt	Quarterly **	Annual ***	End of Production Cycle
	aquaculture science reports					
	Program administration – such as location of DFO offices; role and resource profilers key contacts	I			X	
	Other federal departments and governments – roles of other federal departments (i.e. CFIA, Transport Canada); BC government - with website links	I			Ongoing – annual update	
	Environmental Reports e.g. report on use of lights, escapes, benthic, etc.	III			Various	
	<b>Spat Collection</b> – report on locations and amount of spat collected	III			X	
	<b>General aquaculture industry information</b> – such as farm locations (map); aquaculture statistics;	II			Annual update	

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Report Category	Information Component	Timing for First Roll-Out of Data *	Reporting Cycle			
			Within 20 business days of receipt	Quarterly **	Annual ***	End of Production Cycle
	economic data; industry association contact information					
General information	<b>Other licences – Special Introductions &amp; Transfers</b>	III			ongoing	
Other Permits	<b>Annual Statistics Report</b> (provincial report)	BC			X	
Annual Stats General Info						