

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

June 29th, 2011 (DRAFT)

1.0 Introduction

Increased transparency has been a stated DFO goal in implementing the British Columbia Aquaculture Regulatory Regime (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 data 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) and should result in a higher level of public confidence in the aquaculture industry.

Data may be collected through reports submitted by those entities being regulated, or through federal inspections of licensed operations as part of compliance audits. It does not include data that may be provided to DFO through voluntary participation in research projects or that which is supplied for other voluntary purposes.

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

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

2.0 Purpose of this Document

DFO's objectives in developing and delivering a public reporting approach for BC aquaculture are:

- To treat information in compliance with Canada's *Access to Information Act* (AIA) and *Privacy Act* (PA)¹;

¹ Under the *Access to Information Act* and the *Privacy Act*, the following data may not generally be disclosed by federal departments and agencies:

- (i) financial, commercial, scientific or technical information that is confidential information supplied to DFO by a Licensee and which the Licensee has treated consistently in a confidential manner;

- To enable the public to have access to as much information as possible concerning the environmental, scientific and operational status of BC aquaculture operations while complying with the AIA and PA; and
- To contribute to a higher level 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.

The document will 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.

Increased transparency 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.

DFO seeks to honour the spirit of Canada's *Access to Information Act* (AIA) by making aquaculture information readily available to interested members of the public in a timely manner, while withholding from public disclosure certain information protected against disclosure under the AIA or under Canada's *Privacy Act*.

This document lays out the type of information that DFO intends to publicly release in Pacific Region and the timing and form of such release, and the mechanism for release of 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; and
 - b. DFO audit and investigation reports including any environmental data collected, and compliance outcomes; and
 - c. Inspection and compliance statistics.

There would be the following exclusions:

- Exclusions for Licencee Reports - Personal Information as defined in the *Privacy Act* (e.g., names, contact information) of employees and third parties. As the
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- (ii) information the disclosure of which could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, a Licensee; or
 - (iii) Personal Information.

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 (e.g., 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 ongoing 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.
- Data 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 would include:
 - 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 release 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.²
- All information collected as a condition of operator licenses will typically be released, except that which is protected under the *Access to Information Act* and *Privacy Act* Guidelines. However, data may be aggregated at the industry level where more practical or informative.
- Where data will typically be released in a relatively raw form:
 - Information submitted by Licensees will typically be compiled and assessed upon receipt by DFO in order to ensure the Licencee report is complete and final, and to exclude sections as noted above.
 - Context should be developed as appropriate to ensure that the audience has sufficient information about the source and meaning of the data.
 - 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.

It is DFO's intention to facilitate timely release 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](#)

The following outlines the targeted timeframes for release of typical types of data on an ongoing basis³:

Within 15 business days, as raw data, information such as:

² *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.

³ Timeframes may be longer during 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.

- Escape data,

On quarterly basis, with a period of 1 quarter lag (90 business days) before posting.

For all new sites, basic site data including:

- 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; and
- Annual report on use of lights.

For Shellfish operations, information such as:

- Reports of Marine Mammal accidental mortality;
- Reports of spills.

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 reports¹;
- Fish health and fish mortality diagnoses;
- Population Harvest Declaration form.¹

For Shellfish operations, information such as:

- Report on collection of spat of licenced species;
- Harvest notification for geoduck, sea cucumber, and sea urchin; 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 release of information will typically lag its collection by one calendar quarter – to ensure data 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.

With respect to licence and licence holder information, Annex 1 lists the 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

Susan Farlinger
Regional Director General

Kevin Stringer, Assistant Deputy Minister
Program Policy

David Balfour, Senior Assistant Deputy Minister
Ecosystems and Fisheries Management

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Annex 1: Matrix of public reporting for aquaculture management regulatory information in Pacific Region.

Report Category	Information Component	Timing for First Roll-Out of Data *	Reporting Cycle			
			Immediate	Quarterly**	Annual***	End of Production Cycle
Licensee Operational Information	Contact information for licensee and 3 rd parties (contractors, employees) associated with licensees	withheld				
	License information – including 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		
	Inventory and fish stocking plans for marine finfish – including species grown	III				X
	Fish transfers notifications of intent and plans; actual reported transfers	II				X
	Fish management plan information for marine finfish – including fish feed management plans; containment array management plans; fish escape prevention plans; predator control measures; feed and chemical release reports	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

Report Category	Information Component	Timing for First Roll-Out of Data *	Reporting Cycle			
			Immediate	Quarterly**	Annual***	End of Production Cycle
	Fish health for marine finfish – including fish mortalities; disease outbreaks; application of therapeutants	III		X		
	Sea Lice – including licensee reports; sea lice counts	I	X			
	Escapes –escape incident reports	I	X			
	Escapes – notification of follow-up actions taken	I		X		
	Marine Mammal Interactions – including predator control measures; reports of marine mammal accidental mortality	I	X			
	Marine Mammal Interactions – report of entanglement	I		X		
	Incidental By-Catch	I		X		
	Importation of Eggs	I	X			
	Marine environment reporting – including benthic monitoring;	I				X
DFO Management Reporting	Compliance and Enforcement Reports	III			X	
	Audit and Investigation Reports	III			X	
	Aquaculture licence applications pending – summary information	II		X		
	Aquaculture licence application decisions	II		X		
	Summary of BCARP program	I			X	
	Program enablers – including regulations; IMAPs; other aquaculture policies; aquaculture science reports	Various			Various	

Report Category	Information Component	Timing for First Roll-Out of Data *	Reporting Cycle			
			Immediate	Quarterly **	Annual ***	End of Production Cycle
	Program administration – including 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	
	Spat Collection – report on locations and amount of spat collected	III			X	
General information	General aquaculture industry information – including farm locations (map); aquaculture statistics; economic data; industry association contact information	II			Annual update	
Other Permits	Other licences – Special Introductions & Transfers	III			ongoing	
Annual Stats General Info	Annual Statistics Report (provincial report)	BC			X	