

**British Columbia Aquaculture Regulatory Regime
Aquaculture Licensing Approach
June 29th, 2011**

1. PURPOSE

The purpose of this document is to support the implementation of the British Columbia aquaculture regulatory regime. Marine finfish, shellfish, freshwater and enhancement aquaculture operations now require a federal aquaculture licence in order to operate legally in the province of British Columbia. This document provides guidance on licensing of aquaculture activities under the *Pacific Aquaculture Regulations* (PAR) including scope, licence types, conditions and application. Nothing in this guidance document supercedes the *Pacific Aquaculture Regulations* or the *Fishery (General) Regulations* (FGR). Additional clarification regarding the licensing approach may be found in the document *BC Aquaculture Licensing Approach: Special Notes*.

2. SCOPE OF THE LICENSING APPROACH

This approach describes the licensing regime for core aquaculture licences under the PAR. The PAR sets out the prescribed activities involving: the catching of fish for the purpose of cultivation; the catching of fish that is incidental to the operation of an aquaculture facility; the catching of fish for the purpose of complying with the monitoring conditions specified in an aquaculture licence; the catching of fish that escape from an aquaculture facility for the purpose of returning them to the aquaculture facility or otherwise disposing of them; and the catching of nuisance fish.

Core aquaculture licences are the central instruments required under the new regulatory regime. The regulations require that a licence be obtained in order to engage in aquaculture and prescribed activities and detail the conditions of licence to be imposed (see 3.4 below).

DFO will generally not be issuing core PAR aquaculture licences for fish rearing or holding in aquaria or other containers with no access to fisheries waters. In these circumstances, a licence would be required if there is an intention to sell or otherwise provide the held fish to others who will hold them in a licensed aquaculture facility.

3. AQUACULTURE LICENCES

3.1 Duties of Licence Holders

All operators are required to hold a valid federal aquaculture licence under the PAR as of December 19, 2010. The aquaculture licence authorizes the holder to cultivate the species specified in the licence, in compliance with the conditions specified in the licence.

It is the responsibility of licence holders to be aware of, and comply with, the *Fisheries Act* and the regulations made under the Act. Aquaculture licences in BC are issued, administered and enforced under the authority of the *Fisheries Act*, the *Pacific Aquaculture Regulations*, and the *Fishery (General) Regulations*.

Licence holders must also be aware of and comply with all laws, bylaws and orders of any competent government authorities which affect the aquaculture facility for which the licence is issued.

3.2 Licensing Program Coverage

The main regulatory tool under the British Columbia aquaculture regulatory regime is the aquaculture licence. All requests for aquaculture-related licences will typically be administered through DFO/Pacific Region's fisheries licensing offices.

The new core aquaculture licence covers the following activities:

- The culture of marine and freshwater finfish or shellfish from wild or domesticated origins by individuals or organizations;
- Culture methods including: cages, long lines and other suspension methods; beach and solum (sea or lake bed) culture; and tank culture, or other land-based hatchery methods;
- Culture activities undertaken by private entities or persons or federal or provincial governments or those persons or organizations that they may contract or otherwise designate to act on their behalf; and
- The prescribed activities related to any of the above as set out in the regulations.

The new federal aquaculture licence replaces the following previously-issued permissions:

- DFO Introductions and Transfer permits for routine transfers as defined by the DFO aquaculture licence;
- Harmful Alteration, Disruption, or Destruction of Fish Habitat Authorizations;
- Permit/authorizations to retain incidental catch;
- Access to wild fish resources for routine access as indicated in DFO aquaculture licences; and
- Nuisance seal permits, previously issued under the Marine Mammal Regulations.

Separate licences continue to be required for the management of activities where there are special considerations or where the activity tends to be unique or short-term rather than routine and/or long term. This includes such matters as:

- Introductions or Transfers of fish between fish health zones;
- Access to fish for broodstock, grow out trials, research, other (e.g. geoduck); and
- Permits for bivalve shellfish licence holders under the *Management of Contaminated Fisheries Regulations*.

3.3 Application Requirements

Any individual or company legally entitled to operate a business in Canada is eligible to apply for an aquaculture licence. A licence-holder may hold multiple aquaculture licences and/or fishery licences.

Applications for licence amendments must be submitted by the holder of an aquaculture licence, or in the case of bankruptcy by the trustee in bankruptcy.

Applicants must complete licence application forms supplied by DFO and provide such supporting information as may be indicated in the forms or otherwise requested. Information requirements will typically reflect matters as may be identified under the Sustainable Aquaculture (Fisheries) Framework conservation and sustainable use policies.

A set of licence templates will typically be used to achieve appropriate consistency across conditions of licence for all licence-holders within a category of licence. Conditions are to be set for both area-specific measures (measures that apply to all licences in an area) and site-specific measures (e.g. if *Species at Risk Act* species have been identified in the zone of impact.)

3.4 Licence Conditions

The PAR empowers the Minister to set conditions of licences for aquaculture in British Columbia. In addition, the PAR also incorporates by reference the Minister's authority to issue conditions of licence under section 22 (1) of the Fishery (General) Regulations. The establishment of licence conditions is intended to advance the goals of proper management and control of fisheries and the conservation and protection of fish.

Aquaculture licences issued under the PAR may contain a variety of conditions to which the operator must adhere, and may pertain to matters such as: measures to minimize escapes, introductions and transfers, incidental catch, predator control, impacts to fish and fish habitat, fish health, sea lice, etc; monitoring requirements; and record keeping, notification and reporting.

For the purposes of conservation and protection of fish, licence conditions may be amended at the Minister's discretion.

3.4.1 Basic Conditions

All core aquaculture licences include sections as follows:

Licence front piece containing “tombstone” data (licence holder name, address, contact info, etc); a section listing site-specific licence information (e.g., maximum allowable peak biomass; ocean bottom classification)

Part A: definitions

Part B: generic conditions of licence for the licence category

Part C: conditions of Licence specific to the individual site; and

Part D: species specific conditions within a licence category (shellfish, freshwater only)

More specifically by licence category, generic conditions of licence may be set as follows:

3.4.2 Marine-based finfish operations

- Application and Licensed Species
- Peak Biomass
- Containment Array Requirements
- Transfer of Fish
- Fish Health Management Plan
- Sea lice Monitoring
- Fish Health Record Keeping
- Fish Health Event Response
- Fish Health and Sea lice Reporting
- Escape Prevention, Reporting and Response
- Incidental Catch
- Predator Control
- Protection of Fish Habitat
- Fish Mortalities
- Boat Operations
- Annual Aquaculture Statistical Report
- Use of Lights
- Fish Harvest
- Administrative matters

3.4.3 Shellfish culture

- Application
- Shellfish Site Management Plan
- Facility Installation and Inspection
- Introduction or Transfer of fish
- Access to wild fish
- Fish Health
- Escapes or Releases
- Incidental Catch
- Predator Control
- Protection of Fish Habitat
- Harvesting and Handling

- Records
- Annual Aquaculture Statistical Report
- Processing
- Administrative Matters

3.4.4 Freshwater and Land-based Operations

- Application
- Site Management Plan
- Introduction or Transfer of Fish
- Fish Health
- Fish Mortalities
- Escape Prevention and Reporting
- Annual Aquaculture Statistical Report
- Effluent & Waste Discharge
- Predator Control
- Administrative Matters

3.4.5 DFO Salmon Enhancement Program facilities:

- Application
- Production
- Site Management Plan
- Introductions or Transfer of Fish
- Fish Health
- Fish Mortality
- Escape Prevention
- Release of Fish
- Adult Carcass Disposal
- Predator Control
- Net Pen Rearing
- Records
- Reporting

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4. APPLICATION FOR CORE AQUACULTURE LICENCES

4.1 Applications for renewal or involving administrative matters

Applications pertaining to licence renewals involving no changes, or applications involving minor administrative matters can be addressed by DFO licencing officers. Administrative matters could include: a replacement of a lost or damaged licence; and/or changes related to contact information, modifications to licence holder management plans and/or their supporting protocols where these changes are consistent with policies). In these cases:

- No internal or external consultation will be required.

- Notification of changes will typically occur through IMAP and web-sites.

4.2 Amendments to licence holder name

In cases where there is a change in the licence holder for a particular site, and a replacement licence is requested, the licences may be re-issued in the new applicant's name only by application through DFO.

- Approval level will typically be Pacific Region Director, Aquaculture Management.
- No internal or external consultation will typically be required.
- Notification of changes will typically occur through IMAP and web-sites.

4.3 Technical amendments

Technical amendments typically involve requests to change such technical matters as licence holder management plans or related documents, classification of bottom type, benthic monitoring stations, or deletion of a species listed for culture at the facility. These are provisions which already form part of the conditions of licence (e.g., management plans, Standard Operating Procedures).

- DFO technical staff will typically review requested changes for consistency with policies and available pertinent analytical data.
- Approval level will typically be Pacific Region Director, Aquaculture Management.

4.4 Applications Requiring Special Consideration including new sites and others

These applications typically involve requests for: new licences where a licence has not previously been issued by DFO; or amendment to existing licences related to matters including maximum allowable peak biomass, addition of a new species for culture; changes to facility operations that would reasonably be expected increase the benthic footprint by more than 10%, where the 10% is cumulative to all requests granted over the previous 5 years; or changes to facility operations that would reasonably be expected to increase the benthic footprint, where the operation has exceeded established environmental thresholds in the last production cycle.

Further clarification on areas of special consideration can be found in the special notes document for BC Aquaculture Licensing Approach.

Matters requiring special consideration may require an environmental review by DFO as well as review by various sectors within the department, the Province of British Columbia, other federal departments such as Transport Canada, Environment Canada and the Canadian Food Inspection Agency. External

consultation will typically be through Integrated Management of Aquaculture Plan and federal-provincial consultative processes with First Nations and others. The DFO internal review process will typically consider such things as *Species at Risk Act*, *Oceans Act*, other fisheries uses, Habitat, and other considerations related to the *Fisheries Act*.

- The approval level will depend upon the specific nature of the particular special considerations, though it is anticipated that most will be addressed at the Regional Director General level.

5. SIGNATURES

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Date: _____