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**Sent:** Friday, February 17, 2006 4:42 PM  
**To:** garethporter@erols.com  
**Cc:** pamparker@shaw.ca; Hunter, Jaclynn AL:EX; Thomson, Andrew; Castledine, Al AL:EX; Harrower, Bill AL:EX; Constantine, Joanne AL:EX  
**Subject:** Comments on draft report

Hi Gareth,

Pam Parker forwarded your draft report "An Audit of the Management of Salmon Aquaculture for the Protection of Wild Salmon in British Columbia" to program leads you contacted over the past month to conduct interviews and collect materials to assist with your assessment.

We would like to provide you with some preliminary comments on the draft report and then follow up later with a more detailed and comprehensive response. We acknowledge your efforts, in a very short time, to understand management of salmon farming in British Columbia and your attempt to use a standardized approach to your assessment. However, we are concerned that some key information may not have been conveyed to you or considered in your assessment. We want to provide you with a complete and accurate base of information to inform your understanding of how both orders of government, federal and provincial, regulate salmon aquaculture in BC.

This pending response will include comments and information further to that which you gathered or considered in your interviews. It will take some time to gather this material. We hope that your schedule will be able to accommodate this process.

In the interim, we provide the following comments which we will explore further in our more detailed response.

In general, the report provides no recognition of the performance-based approach upon which much of the regulatory framework in BC is based. Consistent with a "smart" regulatory approach, BC has adopted performance-based standards, monitoring, auditing and adaptive management over a more traditional prescriptive approach. This is a fundamental problem with application of the criteria used to evaluate other jurisdictions in that simple existence of a regulation may result in a good score but there is no evaluation of the effectiveness of that regulation.

The 5th paragraph in the Introduction section raises another fundamental concern with the report. The paragraph appropriately recognizes the issue of the limitations of relying on audit criteria that do not account for unique situations, but then apparently ignores that limitation to highlight the value of comparing BC and other Atlantic salmon farming jurisdictions. There is wording in the final section of the report "Performance in Management of Impacts on Wild Salmon" which further acknowledges the difficulty of using the criteria for different situations but in the end, no-one, particularly those who are opposed to salmon farming will consider these caveats – only the "score" will be remembered.. MAL will provide more information about the differences between BC and the other major Atlantic salmon farming jurisdictions and how those differences need to be recognized in order for a critical comparison to be informative.

- **Criterion 1:** You observe that scientists have called for a minimum of 20 miles separation between operations and salmon rivers. It would be useful to have a reference for this and what concerns this distance was proposed to address. You make some comments on migration passages for wild salmon. British Columbia has annual returns of 30 to 50 million adult salmon of six species. Any migration passage concept has to be looked at in this context. The relevant criterion is aimed at "keeping aquaculture at a safe distance from salmon rivers." It does not extend to any evaluation of migration corridors. The role of the *Canadian Environmental Assessment Act* (CEAA) in siting is not appropriately recognized. We will provide

further information. There is no reference to provincial coastal planning processes which identify areas that are not suitable for aquaculture development. We will provide more information.

- Criterion 2: Cumulative effects analysis is most definitely part of the current CEAA screening analysis required by law. We will provide more information.
- Criterion 3: The report's analysis of the fish health regime in BC contains some conclusions that we will address. The report does not recognize that provincial aquaculture licences are required under the BC Aquaculture Regulation. Compliance with terms and conditions of an aquaculture licence is mandatory and enforceable. One of the conditions of an aquaculture licence is a requirement that all facilities have a Fish Health Management Plan (FHMP) that is approved by the provincial fish health veterinarian; and is considered as part of the federal CEAA review process. The three fish husbandry practices upon which the report focuses are covered by FHMPs (we will provide the specific references). It is clear then that Fish Health Management Plans are linked to the regulations governing licensing – without a Fish Health Management Plan that addresses the fish husbandry practices of concern, one can not be licensed. The report makes other conclusive assertions about elements of the fish health program that are inaccurate and will be addressed with information to follow.
- Criterion 4: This assessment does not accurately reflect the role of MAL's Compliance and Enforcement staff. Fisheries Inspectors conduct site visits to assess compliance with regulatory standards. Primary inspection categories include review of Best Management Practices Plans for escape prevention and response and for waste management practices. We will provide further information on the role of inspection staff and clarify your understanding of the role of the fish health program in this regard.
- Criterion 5: Federal regulations require reporting of some fish diseases. As stated above, the enforceability of the FHMP through the aquaculture licence and the Aquaculture Regulation needs to be recognized in the report. There are mandatory actions required for IHN outbreaks. We will provide further information about the standardization of sampling and testing protocols for individual diseases.
- Criterion 6: Readers might be confused by reference to a "national" plan in the context of a provincial analysis.
- Criterion 7: The Revised Aquaculture Regulation has been in force for four years and is not accurately described as "new." The reference to the transition and coming into force of requirements ("180 days") is not relevant as it is now in place. It is inaccurate to say that investigations depend on the cooperation of operators. Provincial enforcement staff have the necessary authority to conduct investigations independently.
- Criterion 8: Inspectors visit all "active" operations rather than all "licensed" ones. Contrary to the report, inspectors do review inventory records as part of their inspections. It is not accurate to say that on-site monitoring is limited to checking on record-keeping requirements. It seems inappropriate for the report to speculate about how companies might avoid complying with escape reporting requirements. In the absence of any evidence to the contrary, it is equally relevant to hypothesize that companies are 100% compliant with reporting requirements. It is also inaccurate to say that the monitoring system lacks a systematic underwater inspection of the containment system. The monitoring system includes inspectors' review of legally required records of legally required dive inspections.
- The appended section on "Performance in Management of Impacts on Wilds Salmon" has a large amount of what could be considered conjecture. We will provide further comment and information.

I will coordinate provision of the comprehensive response to the draft report as soon as is practicable. I would be pleased to follow up on any of the above if you have any questions. Please note that while some of the comments above may seem to be merely defensive, our interest is in having an accurate assessment of salmon aquaculture management in British Columbia. We believe that for the most part, conditions are sufficiently different in British Columbia that modified application of the criteria is justifiable and would paint a more accurate picture. Finally, we want to acknowledge that we are always looking for ways to improve and welcome objective critical assessment.

**Gavin Last**

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