

BC Aquaculture Licensing Approach - Special Notes

The following document provides supplementary information and guidance about the BC Aquaculture Licensing Approach.

1. GENERAL DFO APPROACH IN 2010

In 2010, the federal government's immediate goal was to ensure that the core elements for the new British Columbia (BC) aquaculture regulatory regime were in place when the regulation took effect on December 18th, 2010.

For 2010, the DFO approach to licensing was to issue licences to all existing Provincial aquaculture licence holders within British Columbia upon application to DFO.

Conditions of licences generally extend the same regulatory practices that were in place by relevant provincial agencies and/or DFO as of December 18, 2010, where these practices are consistent with the *Fisheries Act* and with the applicable regulations enacted pursuant to that Act.

Significant immediate changes to licensing include the following:

- Increased transparency of aquaculture regulatory information. This has been a DFO principle since it became clear that the department would be the primary regulator of the sector. Accordingly, DFO is in the process of developing a formal approach to public reporting consistent with federal legislation and practice. This approach will outline what data and information will be considered public, timeframes for disclosure and methods of publication.
- Attachment of any required licence holder management plans to the licence to clearly indicate that their implementation is required (to be implemented for December 2011 licences as timelines did not permit in 2010); and
- Implementation of the provincially and federally agreed approach to management of impact to fish and fish habitat in alignment with rules that were previously applicable and/or subject to recent consultation.

DFO expects to launch a consultative process on longer term planning and advisory processes and to prioritize policies and other work for consultation and amendments. DFO anticipates that long term engagement processes will include Integrated Management of Aquaculture Plans (IMAP) advisory boards, multi-sector integrated ocean management and advisory and planning processes as well as processes established for First Nations engagement. Any major changes to conditions of license will generally occur subsequent to these consultations unless warranted by a serious risk to fish and habitat.

2. OTHER LICENCES REQUIRED TO CONDUCT AQUACULTURE ACTIVITIES

License holders must be aware of, and comply with, the all DFO statutes, regulations and policies relevant to the conduct of aquaculture in British Columbia. Along with complying with all DFO requirements, license 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 license is issued and include:

- *BC Fisheries Act* aquaculture licences. Until the *British Columbia Fisheries Act* can be amended to remove the requirement that aquaculturists possess a valid provincial Aquaculture Licence, the Province has issued licences, which expire June 30th, 2012, but which are limited in scope.
- *Navigable Waters Protection Act* permits; and
- Canadian Food Inspection Agency permits related the *Health of Animals Act*.

3. HANDLING OF APPLICATIONS REQUIRING SPECIAL CONSIDERATION

For core aquaculture licenses requiring special consideration (see BC Aquaculture Licensing Approach 4.4), until Fisheries and Oceans Canada has had the opportunity to receive and consider recommendations with respect to salmon aquaculture stemming from the Cohen Commission's Inquiry into the Decline of Sockeye Salmon in the Fraser River, the Department:

- Will not conduct external consultations or make decisions on applications for new marine salmon sites or for amendments to existing licenses that have a potential to result in substantial change in the environmental footprint;
- Will conduct internal federal reviews of these applications to be prepared for external reviews once the Commission's findings have been received.

The Department will:

- Continue to accept all aquaculture license and license amendment applications, notifying marine salmon applicants of the delayed review and decision timelines; and
- Undertake reviews and issue decisions on all applications for licenses for new sites and license amendments for:
 - non-salmonid marine finfish,
 - shellfish,
 - freshwater,
 - enhancement applications
 - marine salmonid applications falling into categories of re-issuance, and administrative, name-change and/or technical amendments.

[During the term of the Cohen Commission, DFO may approve salmon sites under the following conditions:

- 1) Licences for a new site which will replace an existing site where:
 - (a) there will be no increase in biomass by the "transfer" of the licence from one location to another, and
 - (b) where there is expected to be a decrease in the environmental impact as a result of moving the licence to the new site.
- 2) Where a licence was reviewed by the Province and DFO and was slated for approval by both parties but where the province had not yet issued a licence under the previous system.]

Decisions on applications requiring special consideration will typically be made by Regional Director General.

4. LICENSE CANCELATION

Under the *Fisheries Act* the Minister may suspend or cancel any lease or license issued under the authority of this Act, if

- (a) the Minister has ascertained that the operations under the lease or license were not conducted in conformity with its provisions; and
- (b) no proceedings under this Act have been commenced with respect to the operations under the lease or license.

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

Explanatory Notes:

**This section is to be removed from the final policy document, but is to be included as part of the messaging developed around the policy.*

Public Reporting of Aquaculture Regulatory Information in other Regions:

DFO is currently reviewing its policy with respect to public reporting in the rest of Canada, but it should be noted that given a different role for DFO in other provinces, DFO's information holdings are much more restricted.

The policy is aimed externally for information and is to be posted on the Regional site. It will be accompanied by a Public Reporting Operational Plan.

Sustainability Reporting Initiative:

It is expected to be complemented in the future by a national federal/provincial/industry Aquaculture Sustainability Reporting Initiative (SRI) which would cover a wide range of regulatory and non-regulatory matters and environmental, social, and economic aspects of sustainability.

While this Public Reporting on Regulatory Information policy is intended to report on compliance with PAR and implementation of the British Columbia Aquaculture Regulatory Regime and applies only to BC aquaculture, the SRI is intended to report on the status and trends of Canadian aquaculture sustainability.

The SRI aims to develop indicators to report that are consistent across the country, although information may come from different sources. As such, the BC system would feed into the larger SRI process.

Information Management System:

To be added: A section on the Aquaculture Regulatory Information Management System (under development) and how it will affect reporting.