



Alberni-Clayoquot Regional District

FISHERIES RESOURCE COMMITTEE MEETING

May 23, 2012, 10:00 A.M.

Regional District Board Room, 3008 Fifth Avenue, Port Alberni, BC

AGENDA

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1. <u>CALL TO ORDER</u>	
2. <u>INTRODUCTIONS & ORIENTATION</u>	
3. <u>ADOPTION OF MINUTES</u>	1-6
a. Fisheries Resource Committee Meeting held June 22, 2011. <i>(adoption)</i>	
4. <u>CORRESPONDENCE FOR ACTION/INFORMATION</u>	
5. <u>REPORTS</u>	
a. Nuuchahnulth Tribal Council Update – C. Atleo (Verbal)	
• NTC Fishing Right Negotiation & Legal Process	
• PST Mitigation	
b. West Coast Aquatic Update – A. Day (Verbal)	
• Economic Development Initiative under the Mitigation Program	
c. Department of Fisheries & Oceans Update – B. Shaw (Verbal)	
• Changes to Halibut Allocation	
• Overview of Salmon Fishery for the year	
• Overview of Hake Fishery for the year	
d. Ministry of Environment, Fisheries Update – D. Chalmers	
• British Columbia's Seafood Policy Discussion Paper	7-28
e. Somass Basin Water Management Plan & Study Update – R. Gunn	29-30
6. <u>NEW BUSINESS</u>	
7. <u>ADJOURN</u>	



Alberni-Clayoquot Regional District
Regional Economic Fisheries Resource Committee
Minutes

Wednesday, June 22, 2011

Regional District Board Room

Present: Eric Russcher, Chair, Directors: Ken McRae, John Fraser, Stefan Ochman, Tony Bennett, Glenn Wong, Willard Gallic (NTC), Charlie Cootes Jr. (Uchucklesaht), Dennis Chalmers (Ministry of Environment), Andrew Day (West Coast Aquatic)

Regrets: Bill Shaw, Dianne St. Jacques, Don Hall

Guest: Ms. Fiona MacRaild, Provincial Seafood Development Branch, Ministry of Aquaculture

Staff: Robert Gunn, Pat Deakin (EDO, City of Port Alberni), Tracy Bond, Secretary

1. The meeting was called to order at 10:12 a.m.

2. **PETITIONS, DELEGATIONS & PRESENTATIONS**

a. The Chair welcomed Ms. Fiona MacRaild, Provincial Seafood Development Branch, Ministry of Agriculture.

- Ms. MacRaild spoke to the Committee regarding Seafood Economic Development and Market Opportunities. Ms. MacRaild has recently made a presentation to Community Futures regarding Salmon Farming and the Hake Seafood Business. Ms. MacRaild has also met with the Port Alberni Port Authority and Mr. Pat Deakin and discussed Asian food products with regards to Hake. Traceability (where the fish come from) is an important factor in Seafood Economic Development. In looking at the fishing business Ms. MacRaild feels that the fish must be marketed first then fished. Diversity in species and market are also extremely important. Market Development and Economic Development must be versatile as the fish species and quantities change year to year. Ms. MacRaild will work with the economic development officers and fishing businesses in the 7 most impacted communities with regards to the Pacific Salmon Treaty Mitigation to promote seafood economic development.

- Ms MacRaild answered questions from Directors. The Chair thanked Ms. MacRaild for her presentation and invited her to participate in the remainder of the meeting.

3. **ADOPTION OF MINUTES**

- a. Moved by T. Bennett, seconded by J. Fraser, "That the minutes from the Fisheries Resource Committee meeting held on October 27, 2010 be adopted as amended."

"Carried"

4. **CORRESPONDENCE**

- a. Moved by T. Bennett, seconded by K. McRae, "That the following correspondence be received: Minister of Fisheries and Oceans, re: Reply to August 2010 ACRD Correspondence regarding the Tseshaht and Hupacasath First Nations' experience with the Sockeye Salmon fishery in the Barkley Sound, Correspondence to and from Minister of Fisheries and Oceans regarding Aquaculture Position on the West Coast."

"Carried"

5. **REPORTS**

- a. Representations to the Directors from Carol Schmitt, Omega Pacific, by Robert Gunn.
- R. Gunn reported that DFO is not supportive of private hatcheries and suggested that the Alberni-Clayoquot Regional District has gone as far with this issue as possible.
- b. Representations on behalf of Area G Trollers Update by Robert Gunn.
- A. Day updated the Committee on Pacific Salmon Treaty Mitigation Fund. Very little notice was given to the interested parties for consultation meetings held on May 5 and May 25, 2011. Unfortunately due to the short notice no one from Area G was able to attend.
 - Moved by A. Day, seconded by K. McRae, "That the Fisheries Committee recommend to the Alberni-Clayoquot Regional District Board of Directors that a letter be sent to the Minister of DFO regarding the Pacific Salmon Treaty Mitigation Fund requesting that the Minister review the original terms and conditions for the fund set by the previous Minister which did not include such a high proportion of the fund to be designated on a coast

wide salmon troll license buy-back and also to review the responses sent to the Minister by the impacted fishers and impacted communities.”

“Carried”

- c. T. Bennett gave an update on the 2011 Groundfish and Hake Season:
- The Fisheries objectives are to support the operations of the shoreside fishery that shows priority for shoreside utilization and to maximize the overall value of the combined (shoreside and joint venture) hake fishery – this includes the value to vessel owners, crew, shoreside plants, workers, and communities. Pool Captains will ensure the flow of Hake is equitable for everyone involved. There will be an off-shore processing vessel this year, but no vessel has been found so far.
 - Tony Bennett left the meeting at 10:55 a.m.
- d. D. Chalmers, Ministry of Agriculture provided an update on the Hake fishery. The Total Allowable Catch for 2011 is as follows: Shoreside Delivery 50,000 metric tonnes, Joint Venture 32,848 metric tonnes and Reserve (for in season release) is 20,000. Discussions are being held with a Dutch factory ship to negotiate an off-shore processing deal for this season. On July 7th there will be a meeting to discuss the Joint Venture (JV) fishery to make sure everything is going well.
- Herring tocks on the WCVI appear to be improving. Numbers won't be known until late August but there appears to be more fish and more spawning than last year. The seine fishery in the Strait of Georgia did not happen, due to size of fish and markets, so only a gillnet harvest was undertaken. This stimulated market discussions on combining herring licences and possibly diversifying herring products. D. Chalmers told Committee members that BC has trouble accessing European markets for herring. There are many opportunities but access to the herring is never assured. There is a pilot project coming up this year in the Strait of Georgia focused on the seine fishery.
 - The Sardine fishery is open. There are only a few First Nations fishing. The quota is just over 21,000 tonnes. There are 25 First Nations licences and 25 non First Nation licences. There is a decline in sardines but we are seeing more fish here. They seem to be moving north.
 - The revisions to the new and emerging fisheries policy are still under development with the east and west coast maritime provinces. DFO's most recent draft has not found favour with any of the participants and more meetings are to be held.

- The Province is in the process amalgamating and changing the Fish Inspection Act and the Fisheries General Regulations Act.
- e. Glenn Wong entered the meeting at 11:10 a.m.
- f. P. Deakin reported that he will be working closely with Provincial Fisheries Economic Development Officers and will hopefully be able to help with the Salmon Mitigation funding. Mr. Deakin advised he would like to stay involved with the Fisheries Committee.
- g. Pat Deakin left the meeting at 11:20 a.m.
- h. W. Gallic reported for the Nuu-chah-nulth Tribal Council. Mr. Gallic spoke regarding the Nuu-chah-nulth Aboriginal Fishing Rights and the Court of Appeal decision. The Court of Appeal affirmed the right of the five NTC First Nations (Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht and Tla-o-qui-aht) to harvest and sell any species of fish in their territories with the exception of geoduck clams. Mr. Gallic reported he recently attended a meeting with DFO to discuss how this fishery would look. The meeting did not go well as DFO representatives appeared not to recognize the court decision bringing no changes to the table.
- i. J. Fraser reported that the fishery is quiet in Tofino. The Troll fishery is over. Sport fishing is good.
- j. E. Russcher reported that the fishery is quiet in Ucluelet. Waiting for the Hake.
- k. K. McRae reported that Port Fish has closed down and this has had a big impact in Port Alberni. The fish plant was not left in good condition.
- Sockeye fishing is great.
- l. A. Day reported for the West Coast Vancouver Island Aquatic Management Board.
- Stage 3 of the assessment is completed. Over 700 people contributed ideas through interviews, surveys, workshops, forums, on-line submissions, dialogue sessions and numerous events. West Coast Aquatic have met all of their targets and are making progress on their plans. The group will be coming back to the Regional District sometime in the Fall of 2011 for sign-off on their plans. The next big focus will be economic development.

- A new Executive Director for West Coast Aquatic will be named at the end of June.
- m. Moved by J. Fraser, seconded by S. Ochman, "That all the above reports be received,"

"Carried"

Adjourn

6. Moved by K. McRae, seconded by J. Fraser, "That the meeting be adjourned."

"Carried"

7. The meeting adjourned at 12:01 p.m.

Certified Correct:

Eric Russcher
Chairperson

Robert Gunn

Tracy Bond

From: Chalmers, Dennis AGRI:EX [Dennis.Chalmers@gov.bc.ca]
Sent: Wednesday, May 16, 2012 7:42 AM
To: 'tbond@acrd.bc.ca'
Subject: FW: BC Seafood Policy Review
Attachments: 175775 PDF Seafood Policy in BC-Discussion Paper.pdf

Hi Tracy

I will briefly talk about the Seafood policy discussion paper at the meeting. This was sent out to a number of stakeholder organizations. Including the Coastal Community Network, but not the Alberni/Clayoquot Regional District members. You may want to have copies for the meeting

From: BC Seafood Consultation AGRI:EX
Sent: Wed, May 9, 2012 3:43 PM
To: BC Seafood Consultation AGRI:EX
Subject: BC Seafood Policy Review

File: 0280-01
Ref: 175775

I am writing to invite you to participate in British Columbia's Seafood Policy Review.

Since the last comprehensive policy review, undertaken in the late 1970s, there have been several inquiries, task forces and legislative reviews that have contributed to British Columbia's current seafood policy framework. During this time there have also been changes in the legislative framework governing fisheries in general and aquaculture in particular, as well as administrative changes to the roles and responsibilities of several ministries, most notably with the Ministries of Agriculture and Environment and the formation of the Ministry of Forests, Lands and Natural Resources. In order to be effective, these organizational changes must ensure the continued safety and quality of seafood; accommodate new products and practices and other opportunities, and meet consumer demand for sustainability and transparency.

To keep pace with these changes and ensure that British Columbia's policies continue to support a strong, dynamic seafood sector that contributes to the economy and advances consumer confidence in British Columbia's seafood sector, the Ministry of Agriculture is conducting a review of policy for the seafood sector. The Ministry welcomes all suggestions with respect to current policy as discussed in the attached discussion paper.

We invite you to submit your comments by e-mail to BCSeafood.Consultation@gov.bc.ca, or fax to 1-888-356-0358, or mail to:

Ministry of Agriculture
Attention: Seafood Policy Review
PO Box 9120 STN PROV GOVT
Victoria BC V8W 9B4

Comments to the Ministry are required by July 7, 2012.

Comments received will be treated as confidential by government staff. However, comments that you provide and information that identifies you as the source of those comments may be publicly available if a Freedom of Information (FOI) request is made under the *Freedom of Information and Protection of Privacy Act*.

If you have any questions or request further information and wish to speak to someone at the Ministry of Agriculture, please contact either Myron Roth at 250 356-1678, or Gary Caine at 250 897-7545.

Thank you for your time and consideration.

Original Signed by:

Grant Thompson
Director
Agrifoods Policy and Legislation Branch

Seafood Policy in British Columbia: Discussion Paper

Revision Date: May 7, 2012

1 Introduction

Seafood contributes more than \$1.4 billion to the British Columbia economy and is one of the province's most important sectors. The sector is made up of diverse industries including: fisheries (commercial, First Nations and recreational); aquaculture (marine, freshwater, finfish, shellfish and aquatic plants); processing; trade (vendors, buyers and brokers); and marketing. Within this context, seafood policy needs to support businesses and related processes that develop and maintain a strong and competitive industry. Since the last comprehensive policy review was undertaken in the late 1970s¹ there have been inquiries, task forces and legislative reviews that have contributed to B.C.'s current seafood policy framework. During this time there have also been changes in the legislative framework governing fisheries in general and aquaculture in particular as well as administrative changes to the roles and responsibilities of several ministries, most notably with the Ministries of Agriculture and Environment and the formation of the Ministry of Forests, Lands and Natural Resources. The most recent, significant, event to affect seafood policy was the Hinkson Decision, in which the BC Supreme Court ruled that marine finfish aquaculture was a fishery and therefore the constitutional responsibility of the Federal Government. As a result, Justice Hinkson struck down parts of the provincial *Fisheries Act*, *Farm Practices (Right to Farm) Act* and the Aquaculture Regulation pertaining to finfish aquaculture, and the entirety of the *Finfish Aquaculture Waste Control Regulation*. Following the decision, the Province announced that it would no longer regulate the operational activities of shellfish and freshwater aquaculture and would leave management and regulation of the aquaculture sector to Fisheries and Oceans Canada.

To keep pace with these changes and ensure that British Columbia's policies continue to support a strong, dynamic seafood sector that contributes to the economy and advances consumer confidence in B.C. seafood, the Ministry of Agriculture is conducting a review of policy for the seafood sector.

The policy goals of this review pertain to fish trade and processing activities for commercial fisheries (i.e., for commerce) as regulated under the *Fisheries Act* and *Fish Inspection Act*. Recreational fisheries (which meet personal use criteria and needs) are not considered within the scope of this discussion with the exception of fishing guide/charter/lodge businesses, which are discussed in further detail below. Similarly, First Nations fisheries that meet food, social and ceremonial (FSC) criteria and needs, and are not commercial activities, are not considered within the scope of this discussion. Lastly, management of aquaculture, which has now been transferred to federal jurisdiction, is not within the scope of this discussion.

¹ Commercial Fisheries and Mariculture. A Policy for the 1980's. Ministry of Environment. Province of British Columbia.

2 Providing Feedback

As part of this policy review, the Ministry of Agriculture is seeking the views of a broad audience, including all of those involved in, or affected by, the seafood sector and recent changes in legislation.

This discussion document provides a brief overview of the legislative and regulatory framework that reflects current policy with an emphasis on recent clarification of direction regarding provincial and federal authority.

This discussion document was prepared to invite discussion on BC's current seafood policy and suggest possible direction for reforms. It discusses key aspects of provincial seafood policy and presents questions to guide feedback. The questions raised in the paper and options presented are intended to elicit discussion to inform future policy development.

Feedback that will be used to guide discussion on potential changes to seafood policy in B.C. can be provided via email to:

BCSeafood.Consultation@gov.bc.ca;

or regular mail addressed to:

Seafood Policy Review. Policy and Industry Competitiveness Branch.
Ministry of Agriculture. PO Box 9120 Stn Prov Govt
Victoria, BC V8W 9B4

Your views, suggestions, and input are very important in helping us to develop B.C.'s provincial seafood policy. This will involve identifying and addressing policy gaps and overlaps to support current, emerging and future activities related to the seafood sector.

Comments received will be treated with confidentiality by government staff. However, comments that you provide and information that identifies you as the source of those comments may be publicly available if a Freedom of Information (FOI) request is made under the *Freedom of Information and Protection of Privacy Act*.

If you have any questions or request further information and wish to speak to someone at the ministry, please contact either Myron Roth at 250-356-1678, or Gary Caine at 250-897-7545.

Your feedback is required before July 7, 2012.

3 Background

“Seafood” is broadly defined as edible fish, shellfish or plants from the sea. However, within B.C. and for the purposes of this document, “seafood” is more colloquially defined as fish, shellfish or plants from both marine and freshwater capture fisheries and as well as fish, shellfish and plants from aquaculture, on both small and industrial scales, used for food. British Columbia’s seafood sector encompasses fisheries, aquaculture, seafood processing, and trade and marketing activities that form the basis of significant economic, social and cultural benefits to British Columbia.

In 2010, the total wholesale value of fish from both the wild and culture operations was \$1.4 billion. The sector harvested over 264,400 metric tonnes of more than 100 species of fish, shellfish and marine plants². The sector includes both wild fisheries and farmed fish production that supply safe and nutritious seafood to markets across British Columbia and more than 70 countries worldwide. Management of British Columbia’s fisheries and seafood sector are key factors in this success with 12 fisheries now certified under the Marine Stewardship Council’s sustainable seafood program. First Nations involvement and contribution to the sector is significant and continues to grow.

The production of safe, high quality seafood that contributes to a healthy diet^{3,4,5} is important economically, socially, and culturally to the people who live in B.C.

A healthy B.C. seafood sector must meet continually evolving high standards of quality to ensure access to local, interprovincial and international markets. Ensuring that B.C.’s fisheries, aquaculture and seafood processing businesses are productive and sustainable requires appropriate standards, monitoring, data collection and enforcement. Similarly, competitiveness of the sector requires market development and promotional support. All of these activities require

Why Eat Fish and Which to Choose?

Most fish contain some of the long chain omega-3 fatty acids, eicosapentaenoic acid (EPA) and docosahexaenoic acid (DHA). Recent evidence has suggested that fish consumption and the associated intake of EPA and DHA from fish can help maintain healthy heart function. Consumption of fish has also been associated with reduced risk of sudden cardiac death in healthy people and there is evidence that regular consumption of fish by pregnant women and women who may become pregnant plays a role in normal fetal brain and eye development.

Some types of fish have higher levels of these beneficial fatty acids than others. Fish and shellfish that contain higher levels of these fatty acids and are also low in mercury include: anchovy, capelin, char, hake, herring, Atlantic mackerel, mullet, pollock (Boston bluefish), salmon, smelt, rainbow trout, lake whitefish, blue crab, shrimp, clam, mussel and oyster.

All fish are also a significant source of vitamin D and contribute valuable mineral nutrients to the diet such as selenium, iodine, magnesium, iron and copper.

Source: Health Canada (<http://www.hc-sc.gc.ca/fn-an/securit/chem-chim/environ/mercur/cons-adv-etud-eng.php>)

² British Columbia Seafood Industry, 2010 Year in Review (October 2011). Policy and Industry Competitiveness Branch, Ministry of Agriculture.

³ Health Canada 2011. Eating Well With Canada’s Food Guide.

⁴ 2005 USHHS/USDA. Dietary Guidelines for Americans 2005. US Department of Health and Human Services/US Department of Agriculture (www.healthierus.gov/dietaryguidelines)

⁵ 2005 Dietary Guidelines Advisory Committee, US Department of Health and Human Services/US Department of Agriculture: Report of the Dietary Guidelines Advisory Committee on the Dietary Guidelines for Americans, 2005. Part D, Science Base. Section 4; Fats (http://www.health.gov/dietaryguidelines/dga2005/report/PDF/D4_Fats.pdf)

collaboration between fishers, fish vendors, buyers, processors, brokers, aquaculturists, inspectors, third party auditors, industry associations, regulators, First Nations, consumers and the public.

In general, the Province has jurisdiction over business activities within provincial boundaries. The conservation and management issues of fisheries are primarily managed by the Federal Government through the authority of the federal *Fisheries Act*⁶. This includes the commercial harvest of tidal fisheries and sport fishing in all waters. For fishing in non-tidal (fresh) waters, some federal *Fisheries Act* lawmaking powers are exercised by a provincial official. In other instances, such as the licensing of freshwater sport fisheries, the province exercises direct authority, using, for example, the British Columbia *Fisheries Act* or the British Columbia *Wildlife Act*.

In February 2009, Justice Hinkson of the B.C. Supreme Court ruled that marine finfish aquaculture was a fishery and therefore the constitutional responsibility of the Federal Government. As a result of this decision, Fisheries and Oceans Canada (DFO) assumed primary responsibility for regulating the marine finfish aquaculture industry in B.C., implementing a requirement for aquaculture operators to have aquaculture licences. Subsequently, the Province announced that it would no longer regulate the operational activities of shellfish aquaculture and would leave management of the sector to the Federal Government and agreed to leave the licensing of freshwater/non-tidal aquaculture to Fisheries and Oceans Canada. The culture of marine plants, which the Supreme Court expressly said was within Provincial jurisdiction, is still regulated under the authority of B.C.'s *Fisheries Act*. While the province no longer regulates finfish and shellfish aquaculture other than business aspects, it still exercises jurisdiction over its seabed and issues Crown land tenures used to site aquaculture installations under the authority of the *Land Act*.

To clarify roles and responsibilities Provincial and Federal Government signed the "Canada-British Columbia Agreement on Aquaculture Management."⁷ Under the new agreement, provincial responsibilities include:

- Ministry of Agriculture is the lead provincial agency for strategic development of the aquaculture industry;
- Ministry of Natural Resource Operations is the lead provincial agency for the management of the aquaculture sector (within the scope of provincial jurisdiction⁸);
- Ministry of Environment is responsible for the management of waste discharge with the exception where this is otherwise regulated as part of the proper management and control of fisheries and fish habitat;
- British Columbia is responsible for the management of provincial Crown land and may issue tenures for the purpose of aquaculture in the Province of British Columbia
- British Columbia is responsible for the management and regulation of business and labour aspects of aquaculture and labour on farms in British Columbia.

Fish landed and/or processed in British Columbia are regulated under the provincial *Fisheries Act* and *Fish Inspection Act* which require processors, vendors, buyers and brokers to be licensed and sets standards for the construction, operation and maintenance of processing plants.

The Ministry of Agriculture has a mandate to develop a world leading seafood sector so that it continues to provide jobs, support the economy and contributes to the health and prosperity of British Columbians.

Within the context of developing policy for B.C.'s seafood sector and foster dialogue on reform, five areas are being reviewed:

⁶ Links to the *Fisheries Act* and *Fish Inspection Act* and relevant Regulations can be found in Appendix III.

⁷ <http://www.dfo-mpo.gc.ca/media/infocus-alaune/2010/04/agreement-entente-eng.htm>

⁸ Areas of jurisdiction principally include: crown land tenures, business and labour, marine plants.

1. adjusting licensing to reflect current seafood sector activities;
2. food safety, technology and innovation in seafood processing;
3. streamlining economic data reporting;
4. implementing traceability procedures;
5. assessing if current penalties encourage compliance.

4 Discussion

4.1 General

The policy and regulatory framework for commercial fisheries, aquaculture, and related processing, trade and marketing activities is a complex matrix of shared authorities involving provincial, federal and local governments, regional districts, and First Nations. Provincially, the *Fisheries Act* and the *Fish Inspection Act* are the main statutes that are used to regulate seafood sector activities and provide the legislative framework supporting seafood policy. Within this context, a sound British Columbia policy framework for commercial fisheries, aquaculture, seafood processing and trade, and recreational fishing guide/charter/lodge operators should:

1. feature a licensing system that reflects current and future seafood sector activities;
2. promote consumer confidence by ensuring that seafood processed for human consumption is safe while allowing the development of new and innovative seafood processing technology;
3. streamline economic data reporting;
4. accommodate traceability procedures; and
5. promotes compliance through fair and appropriate penalties.

4.1.1 Consultation Questions

4.1.1.1 Do you agree or disagree with the policy framework statement noted above? What would you add or remove and why?

4.1.1.2 Please identify any constraints or obstacles that could negatively affect the policy framework. How would you address them?

4.1.1.3 Please provide any additional comments you have with respect to the development of a comprehensive B.C. seafood sector policy statement.

4.2 Adjusting licensing to reflect current seafood sector activities

Licensing provides a means of specifying requirements for defined activities such as operational conditions and record-keeping. Licensing an activity allows the responsible Ministry to set standards, monitor those licensed to ensure compliance with the standards and track industry development. Requirements can be specified in legislation, regulations, and/or as a condition of licence. Acts and regulations are relatively inflexible tools since Acts can only be changed by the legislature and changes to regulations require Orders in Council (OIC). Licence conditions provide a flexible administrative tool that can easily implement current and evolving requirements and industry standards of practices. While legislative and administrative approaches are both tools for supporting policy goals related to developing and managing the sector, changing regulations and legislation demands time and human resources which are limited and must be used thoughtfully.

Licences are issued for the following activities under the *Fisheries Act* and the *Fish Inspection Act*, and under agreement by the Ministry of Agriculture, in cooperation with DFO, the Canadian Food Inspection Agency, local Health Authorities, the Ministry of Health and the Ministry of Environment:

- fish processing plants
- fish buying stations
- fish brokers
- fish vendors
- harvest and aquaculture of marine plants
- finfish, shellfish and plant aquaculture business licences⁹

Under current requirements, licensed vendors must be *bona fide* commercial fishers that hold a federal Fisher Registration Card. Fish Buying Station Licences are required by individuals or companies receiving fish from licensed commercial fisheries where the fish is not for personal use. Separate licences are required for each vessel, vehicle or shore station used to receive fish directly from a fisher, with the exception of a facility with a valid processing licence (where a buyer's licence is not required at the licensed [processor] location). Under current policy, individuals wishing to obtain a Fish Processing or Fish Buying Station Licence must be permanent residents. An enterprise wishing to obtain a licence must be incorporated and operate from a permanent location in BC.

A Processing Licence is required by any individual or company that processes or cold stores fish or aquatic plants. Where farmed salmon and bivalve molluscs are concerned, provincial legislation requires that they are processed in a federally registered plant. All fish intended for interprovincial and international trade must be processed in a federally registered plant.

A Fish Broker Licence is required by any person or company that purchases fish from a fisher for resale, or who acts as an agent on behalf of another individual or company. However, there are some exceptions, including: licensed fish processors or fish buying stations; individuals buying fish for personal use; and restaurant or retail stores buying fish for resale at that location. The difference between a Fish Broker Licence and Fish Buying Station License is that the Fish

⁹ These are in addition to 'operational' Aquaculture Licences issued by Fisheries and Oceans Canada.

Buying Station Licence allows an individual to operate a facility where fish are received from a fisher providing that the fish received is not for that person's personal use. As such, separate licences are required for each vessel, vehicle or shore station used to receive fish directly from a fisher. Licensed fish processing facilities, however, do not require a separate Fish Buying Station Licence for collection of fish at the licensed facility's location provided the licence includes the category of product being collected.

More detailed information on Fish Vending, Buying Processing and Broker Licences can be found in the Ministry of Agriculture's Factsheet #42¹⁰

With respect to aquaculture, Provincial licencing requirements will remain in effect until the provincial *Fisheries Act* can be amended. As a result, the province currently issues "bare" (no operational terms or conditions) *business* licences to all aquaculture operations in B.C. Operators also require Crown land tenures for operations on Crown land. These are issued by the Ministry of Forest Lands and Natural Resource Operations. Further, as noted above, all aquaculture operations with the exception of those growing aquatic plants require an aquaculture licence from DFO. Licences for aquatic plant operations continue to be issued by the Province.

A summary of licence fees as currently administered in BC is given in Appendix I. It is worth noting that the current revenue generated from these licensing fees and royalties does not reflect the cost associated with administering the ministry's licensing and inspection program.

Currently, the licensing system features overlaps between ministries and between provincial and federal requirements. For example, the current licensing system does not have consistent requirements for record-keeping across different seafood sector operations. There are also omissions. For example, at present those who guide freshwater recreational fishers are regulated, but those who guide saltwater fishers are not.

The current policy review is considering licensing requirements, including conditions of licence, to rationalise the system to allow better coordination between regulatory agencies and create a stronger link between licensing, record keeping and reporting to support marketing and possible future traceability initiatives. Policies are required to consider what activities require licensing and relevant licence conditions, such as the type of information required relative to the activity being licensed. Information collected needs to be accurate and reporting needs to be administered in a way that is efficient and practical without creating an unnecessary burden on licensees.

4.2.1 Consultation Questions

4.2.1.1 Are there any additional seafood sector activities that need to be licensed and if so, why?

4.2.1.2 Are there any seafood sector activities that are currently licensed that don't need to be and if so, why not?

4.2.1.3 Are current licence fees appropriate?

4.2.1.4 Please provide any additional comments you have with respect to licensing.

¹⁰ A Guide to Fish Vending, Buying, Processing and Broker Licences. Factsheet #42. Ministry of Agriculture.

4.3 Food safety, technology and innovation in seafood processing

British Columbia seafood is among the safest in the world. B.C.'s criteria for construction and operation of seafood processing plants promote consumer confidence through ensuring high standards. Meeting these standards ensures access to markets outside British Columbia and Canada.

Seafood processors must be provincially licensed and meet standards that are set out in legislation. In addition, federal registration is required to import and export seafood. The policy goal is to ensure that fish are safe to eat and that all agencies involved are communicating in a collaborative and efficient manner.

Processing is defined under the *Fisheries Act* as:

“eviscerating, filleting, icing freezing, canning, packaging, smoking, salting, cooking, pickling, drying, preserving, or preparing fish or aquatic plants for market...”

The B.C. *Fisheries Act* requires that a processor must have a licence to process fish and aquatic plants. As discussed previously, where farmed salmon and bivalve molluscs are concerned, provincial legislation requires that they are processed in a federally registered plant. As well, all fish intended for interprovincial and international trade must also be processed in a federally registered plant. Thus, processors may be licensed under provincial or federal legislation (or both) depending on the specific processing activity being carried out. One difference between provincially and federally registration for seafood processing is that there is a regulatory requirement for federally registered plants to have a hazard analysis and critical control point (HACCP)-based quality management program (QMP) in place. HACCP is an internationally recognised system for ensuring safe food production and wholesomeness of products. While some provincial-only licensed processing establishments may incorporate components of a QMP plan, there is no current provincial QMP regulatory requirement for seafood processing.

Current policies and requirements related to seafood processing may not be sufficiently flexible for industry to fully adopt new technologies (e.g., vacuum packaging) or take advantage of market shifts away from traditionally preserved seafood products (e.g., canning, salting and pickling) to fresh-to-market and other value added products. For example, the production of live fish for the retail market (in which no commercial processing occurs) was not contemplated in the current legislation which prohibits the sale of non-processed fish. More recently, growth in the value added processing sector has created an industry engaged solely in the re-processing of fish into new products by the addition of ingredients other than salt or water or by subjecting them to chemical or physical processes that alter the texture or flavour of the product to create Ready-To-Eat (RTE) foods. These processes do not easily fall under the traditional definition of “processing” and policy needs to be updated to address them. As another example, in recent years, DFO launched a new initiative to authorize First Nations to fish commercially for salmon in rivers running through Reserve Lands and within First Nations’ traditional territories. These “in-river fisheries” encourage economic development opportunities for First Nations by allowing designated fishers to sell their catch directly to the public or to have the fish processed for domestic, interprovincial and international markets. However, provincial legislation and regulations regarding processing and marketing of fish do not accommodate this new type of activity. These examples illustrate the need to review and update policy to encourage and advance the development of new fish and seafood products and activities.

4.3.1 Consultation Consideration/Questions

- 4.3.1.1 *Does the current policy and regulatory framework provide sufficient safeguards to ensure seafood is safe and of high quality? If not, then what changes are needed?*
- 4.3.1.2 *Do you support the development of a quality management standard for those processing plants licensed by the province only? Why or why not?*
- 4.3.1.3 *Does current policy and legislation support industry in adopting new technology and developing new products? If not, what changes are needed?*

4.4 Streamlining Economic Data Reporting

Economic data reporting is the framework that facilitates the Ministry's ability to collect, analyze and disseminate statistical information about the seafood sector. Economic data reporting includes: annual surveys of the quantities and values of all seafood production by product type; a weekly census of all salmon cannery production; an annual census of harvest and sales for all licensed aquaculture facilities; and regular surveys of processor and aquaculture employment.

The primary data collection instruments used by the province to collect economic data include:

1. **Annual Aquaculture Statistical Report Survey (AASR)**

A census of licensed aquaculture facilities to gather harvest and sales data for the calendar year.

2. **Weekly Canned Salmon Pack Survey**

A census of all salmon canneries to gather the number of cases processed to date by species, can size and origin (domestic or imported).

3. **Annual Fisheries Production Schedules**

A census of all licensed processing facilities, buying stations and fish brokers that summarizes quantities and wholesale values of all seafood production by species, origin (farmed or wild), and product type for the previous year.

4. **Fish Slip**

Official catch and sales record. The B.C. *Fisheries Act* Regulations require commercial fish buyers and processors to complete fish slips that collect information on the area fished, gear type used, price, value, and weight of the species caught.

Information collected is summarised annually in the Ministry of Agriculture's *British Columbia Seafood Industry Year in Review* publication available in print and on-line on the Ministry's website.

This information is important to a number of agencies and stakeholders and used extensively for a variety of purposes, such as marketing, raw materials acquisition, investment planning, resource management, economic development, research and education. It is also used to assess current and past performance of the various sectors. For example, management of British Columbia's fisheries and seafood sector are key factors driving success in accessing international markets with 12 fisheries now certified under the Marine Stewardship Council's sustainable seafood program. Certified fisheries include: halibut, hake, spiny dogfish, pink and sockeye salmon, sablefish and albacore tuna.

In some instances, however, data collected or submitted does not extend to certain business sectors and activities. For example, legitimate businesses that are involved in the buying, selling or value added processing that do not require licences under the provincial *Fisheries Act* (e.g., vessel processing at sea engaged in value added processing). As a result economic data reporting requirements do not currently apply to certain points in the distribution chain. Policies therefore need to be updated to ensure that the economic characterisation of the industry is as complete as possible.

Tracking fisheries is one tool used to evaluate the sustainability of a fishery. Fish slips enable tracking fisheries and tracking the disposition of the catch; however, as a tracking device, fish slips present many challenges due to conflicting data collection methods available to fishers and the number of regulatory agencies involved.

4.4.1 Consultation Questions

4.4.1.1 How can economic data reporting be streamlined?

4.4.1.2 What options or suggestions do you have that might provide alternatives to fish slips?

4.4.1.3 Can you comment on the value of fish slips as an economic measure/tool?

4.4.1.4 Should data reporting be tied to licensing?

4.4.1.5 What information should government collect and use for sector development and to promote global investment and trade?

4.4.1.6 Please provide any additional comments you have with respect to economic data reporting.

4.5 Implementing Traceability Procedures

Traceability is the ability to follow an item or group of items – fish, seafood products or ingredients – from one point in the supply chain to another. Tags and logbooks are key tools used to trace seafood products through the chain of custody.

Traceability systems in Canada are based on three basic elements: fish identification, movement, and premises (fisher or fish farmer) identification. The ability to trace fish throughout the production chain can be used for a variety of management goals, including:

- isolating fish health emergencies (in the case of disease outbreak in a commercial culture facility) to help limit the economic, trade, environmental and social impacts of such emergencies;
- food safety recalls;
- eco/sustainability labelling/certification to facilitate market access and trade interprovincially and internationally; and
- statistical data reporting to stimulate investment, market development and promotion.

The goal of information tracking is to ensure that systems for traceability of fish and seafood products provide the information needed to manage the sector. In meeting this goal, it is important to align with requirements for other food product traceability programs, in particular any national framework for tracking fish and seafood movement through the distribution system, and the National Agriculture and Food Traceability System¹¹ to facilitate interprovincial and international trade. The Ministry is therefore seeking comments and advice on minimum requirements for record keeping of seafood harvests, transactions and product movement.

4.5.1 Consultation Considerations/Questions

4.5.1.1 What aspects of a traceability system should government consider implementing for the seafood sector?

4.5.1.2 Do you have any comments or concerns over current traceability/recall procedures?

4.5.1.3 What information should be collected regularly to support traceability?

4.5.1.4 Should traceability be tied to licensing?

4.5.1.5 What information/confidentiality concerns need to be addressed? What information should be kept confidential and why?

¹¹For more information on the National Agriculture and Food Traceability System (NAFTS) see: <http://www.ats-sea.agr.gc.ca/trac/sys-eng.htm>

4.6 Assessing If Current Penalties Encourage Compliance

Both the *Fisheries Act* and the *Fish Inspection Act* prescribe penalties for non-compliance with legislation, regulations or conditions of licence. Depending on the seriousness of the offence and the Act involved, offenders can have their licence suspended or cancelled, be given administrative penalties (“tickets”) that do not require conviction that are served by a peace officer or fish inspector, or larger monetary fines (\$500 - \$10,000) or imprisonment (up to 6 months), or both. Where fines for offences are not specified, the penalty defaults to the *Offences Act* which provides fines in the range of \$115 to \$173 for administrative penalties and \$500 - \$2000 for serious offence, as well as imprisonment (up to 6 months). Penalties are levied against individuals upon conviction by the Courts, according to the fines and/or terms of imprisonment set out in the Acts. In addition, the *Fish Inspection Act* authorizes the Provincial Government to seize any fish or containers involved in an offence.

4.6.1 *Fisheries Act*

Under the *Fisheries Act*, current offences include:

- Obstructing, hindering, delaying or interfering with the minister or an officer appointed under the Act in the discharge of their duties
- Fishing, taking fish or attempting to fish or take fish without having paid a licence fee
- Any breach or committing any offence against any rule or regulation made under the Act

Penalties range from fines up to \$10,000 or imprisonment of up to 6 months, or both.

4.6.2 *Fish Inspection Act*

Under the *Fish Inspection Act*, current offences include:

- Falsifying, altering, destroying, erasing or obliterating any declarations, inspection certificate or other documents made or issued under the act; or any marks on any containers under the Act
- Selling, offering for sale or hold in possession for sale any fish intended for human consumption that is tainted, decomposed or unwholesome
- Contravention of the Act or the regulations or any condition attached to any licence issued under the Act or regulations

Penalties range from fines of up to \$500, or imprisonment of up to 6 months, or both.

The *Offence Act* also prescribes ticketable offences, termed “violation tickets” that are specifically defined in the Violation Ticket Administration and Fines Regulation.

The *Fisheries Act* and *Fish Inspection Act* were last consolidated¹² in 1996. Penalties for offences under the Acts are intended to be deterrents and commensurate with the severity of harm. A review of other jurisdictions in Canada, and in particular the Atlantic Provinces, indicates that B.C.’s fines are relatively low and likely do not provide sufficient deterrence and therefore may not ensure a high level of compliance. A comparison of current fines and penalties for seafood sector offences in B.C., Canada and the Atlantic provinces is given in Appendix II.

¹² Acts and Regulations are consolidated from time to time (e.g. every 10 years) to incorporate changes that are incrementally incorporated to address specific issues and function as an administrative “house-cleaning”.

One option that might be considered under the new policy framework is further consideration of administrative penalty policies. Administrative penalties might include requirements to undertake certain actions that would assist in maintaining food safety or to comply with the Act, or a term or condition of a licence in return for a reduced monetary penalty. Administrative penalties do not require costly court proceedings and conviction, unless the penalty is contested. Policies are therefore required to support decisions as to how, when and what type of administrative penalties are applied.

4.6.3 Consultation Questions

4.6.3.1 Are current penalties sufficient to encourage compliance?

4.6.3.2 Do you feel that penalties and fines should be adjusted to be consistent with other provincial jurisdictions in Canada?

4.6.3.3 What actions warrant an administrative penalty? Who should hear and rule on appeals?

4.6.3.4 Please provide any additional comments you have with respect to penalties.

5 Summary

B.C.'s seafood sector currently has a wholesale value in excess of \$1.4 billion. The sector, of which 68% is exported, is a significant economic driver for B.C. and a key area for job growth in rural coastal areas of B.C.

The two primary provincial statutes for management and regulation of B.C.'s seafood sector activities are the *Fisheries Act* and the *Fish Inspection Act*. While both the Acts and their regulations have undergone additions and amendments over the years, most of these changes have dealt with operational issues under a policy framework that has not been comprehensively reviewed since the 1980s. Most recently, the courts struck down parts of the provincial *Fisheries Act*, *Farm Practices (Right to Farm) Act* and the *Aquaculture Regulation* pertaining to finfish aquaculture, and the entirety of the *Finfish Aquaculture Waste Control Regulation* affecting BC seafood sector, associated legislation and policy. As a result, the Province no longer regulates the operational activities of finfish and shellfish aquaculture.

The Ministry of Agriculture has a mandate to develop a world leading seafood sector so that it continues to provide jobs, support the economy and contributes to the health and prosperity of British Columbians.

Within the context of developing policy for B.C.'s seafood sector and foster dialogue on reform, five areas are being reviewed, and include:

1. adjusting licensing to reflect current seafood sector activities;
2. food safety, technology and innovation in seafood processing;
3. streamlining economic data reporting;
4. implementing traceability procedures;
5. assessing if current penalties encourage compliance.

At the close of the public consultation the Ministry of Agriculture will develop a summary of comments that will be made publically available through the Ministry's website. The document will summarize:

1. Number and representativeness of the respondents.
2. Summary of responses to key policy framework questions.
3. Summary of comments in addition to responses to policy questions.

5.1.1 Consultation Questions

5.1.1.1 *Please provide any additional comments you have regarding seafood policy in British Columbia.*

Thank you for your time in providing us with your valuable input on the development of seafood policy reform for British Columbia.

Appendix I

Summary of seafood sector licences fees in B.C.

Fee Type	Category	Annual Fee
Fish Processing Licence*	canning salmon where production exceeds 72,000 lbs	\$1,800.00
	canning salmon where production is less than 72,000 lbs	\$900.00
	to process roe herring	\$640.00
	to process other fin fish	\$290.00
	to process invertebrates	\$290.00
	to process marine plants	\$210.00
	to process sport caught fish	\$210.00
	to process fish for reduction or non-human consumption	\$210.00
	to process freshwater fish	\$50.00
	fish cold storage facility in excess of 80 cubic meters	\$420.00
	fish cold storage facility 80 cubic meters or less	\$110.00
Fish Buying Station Licence	for salmon	\$230.00
	for roe herring	\$230.00
	for fin fish	\$150.00
	for invertebrates	\$150.00
Fish Brokers Licence	for salmon	\$230.00
	for roe herring	\$230.00
	for fin fish	\$150.00
	for invertebrates	\$150.00
Fish Vending Licence	all species	\$30.00
Marine Plant Harvesting Licence	all species	\$110.00
Marine Plant Royalty	variable depending on species	\$10 to \$100 per wet tonne
Aquaculture Business Licence	finfish and shellfish	no charge**
	plant	\$50
<p>* Where a processing facility carries on more than one type of operation they must have the appropriate category on their licence. ** The aquaculture business licence was issued in 2011 and a temporary measure resulting from the realignment of aquaculture responsibilities to the federal government. Fees associated with this licence are under review.</p>		

Note: Crown Land Tenure Fees are outside the scope of this consultation as the responsibility for this falls under different authority and agency.

Appendix II

A comparison of seafood sector fines and penalties in Canada, B.C. and the Atlantic Provinces

Offence	BC	Canada	NL	NS	NB	PE
Contravention of the <i>Fisheries Act</i> , regulations or condition of licence.	\$2,000 or up to 6 mo.	1 st Offence: \$100,000 2 nd Offence: \$100,000 or up to 1yr. Indictable Off: \$500,000 or up to 2 yr.	\$5,000 or up to 1 yr.	1 st Offence: \$100,000 &/or 90 days 2 nd Offence: \$500,000 or up to 6 mo.	N/A	\$2,000
Contravention of the <i>Fish Inspection Act</i> , regulations, or condition of licence.	\$500 or up to 6 mo.	1 st Offence: \$20,000 or 3 mo. 2 nd Offence: \$50,000 or up to 2 yr. Indictable Off: \$250,000 ¹³ \$100,000 or up to 5 yr. ¹⁴	1 st Offence: \$20,000 or up to 6 mo. 2 nd Offence: \$50,000 or up to 6 mo. 3 rd Offence: \$100,000 or up to 6 mo.	NS does not have a <i>FIA</i> . Contravention of NS Fish Inspection Regulations or conditions of licence is as above.	\$2,500	\$500 or up to 6 mo.
Marketing/Processing TDU fish. ¹⁵	\$500 or up to 6 mo.	Contravention of <i>FIA</i> , as above.	Contravention of <i>FIA</i> , as above.	As above.	1 st Offence: \$5,200 or 30 days. 2 nd Offence: \$10,200 or 30 days.	\$5,000 or 6 mo.
Processing or buying fish without a Licence.	\$10,000	N/A. Importing fish without a licence or processing fish for export without registration is as above.	Contravention of <i>FIA</i> , as above.	As above.	1 st Offence: \$100,000. 2 nd Offence: \$500,000	\$5,000 or 6 mo.
Falsify, alter or destroy certificates, records, or other documents or information.	\$500 or 6 mo.	Contravention of <i>FIA</i> , as above.	Contravention of <i>FIA</i> , as above.	As above.	1 st Offence: \$10,200 or 90 days. 2 nd Offence: \$15,000 or 90 days.	\$500 or 6 mo.
Obstructing an Inspector.	\$500 or 6 mo. OR \$2,000. ¹⁶	Contravention of <i>FIA</i> , as above.	Contravention of <i>FIA</i> , as above.	As above.	\$5,000	\$4,000

¹³ Levied against a corporation.

¹⁴ Levied against an individual.

¹⁵ TDU fish is fish that is tainted, decomposed or unwholesome.

¹⁶ Dependent upon whether the offence occurred under the *FIA* or under the *FA*, which references the *Offence Act*.

Links for Provincial Legislation:

Fisheries Act

Fisheries Act Regulations

Fish Inspection Act

Fish Inspection Act Regulations

Somass Basin Water Management Plan and Study

For some time staff and RD directors have been involved in an effort lead by the BC Conservation Foundation (BCCF) and the Hupacasath First Nation to explore the possibilities of adding cool water to the Stamp and Sproat Rivers in the event of early summer water temperatures becoming too warm for sockeye transit. This results in high rates of sockeye mortality. Warm water events have happened several times in the past and it was felt that if climate change began to result in less snow pack it could be a more regular pattern in the future, although it appears that cool temperatures in the Nth Pacific over the last three winters has removed this threat, at least for now.

Much work has taken place in studies on river temperatures and warming rates, fish have been tagged (PIT) and passage speed recorded, lighting of the Stamp Falls fishway has been tried to speed night time sockeye passage, and preliminary designs of cooling systems explored. Along the way serious side issues – the need to replace the dam at Robertson Ck, ownership of the dams – have also eaten up much time.

The present state of the project is as follows:

1. BCCF have enough resources from Living Rivers and possibly a bit of climate money from DFO to support a basic Somass watershed program for another year including engaging on Somass issues around Chinook and Sockeye and possibly some work on Henderson sockeye enrichment. Although restricted budgets mean that they are short of staff time.
2. They are committed to producing a user-friendly status report on everything done to date and in supporting the local group in finishing Christie Slough rehab and in preparing funding proposals for other projects in 2013. All of our detailed technical reports will be web-accessible and a compilation will be available with links by the next SBWMP meeting.
3. Catalyst is doing a good job with managing the lake level at Gt Central Lake. Catalyst have no choice but to reduce their potential liability for exacerbating winter floods if they don't draw the lake down closer to natural levels by Nov 1st. Incidentally the same plan happens on Cowichan Lake so this strategy is quite normal. The fish benefit considerably by augmented summer -fall flows which Catalyst is essentially doing for free.
4. Bob Duncan advises us that HFN have not yet made a decision one way or the other to accept a transfer of the dams at GCL from Catalyst Paper.
5. BCCF are continuing our water temperature monitoring in Somass and will be exploring opportunities for resuming PIT tagging (in 2013 if adverse migration conditions are forecast) plus other work required to make the case for future cold water facilities at GCL and Sproat Lake..

