



# Alberni-Clayoquot Regional District

## FISHERIES RESOURCE COMMITTEE MEETING WEDNESDAY, SEPTEMBER 12 , 2012, 10:00 AM

Regional District Downstairs Meeting Room, 3008 Fifth Avenue, Port Alberni, BC

### AGENDA

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	<b>PAGE #</b>
<b>1. <u>CALL TO ORDER</u></b>	
<b>2. <u>ADOPTION OF MINUTES</u></b>	
a. Fisheries Resource Committee Meeting held June 27, 2012 <i>(adoption)</i>	<b>1-6</b>
<b>3. <u>PETITIONS, DELEGATIONS &amp; PRESENTATIONS</u></b>	
a. Mr. Wilf Luedke, South Coast Area Director, Stock Assessment, Department of Fisheries and Oceans Re: Update on the Great Central Dam Issue and the Water Temperature Issue for the Migrating Fish	
<b>4. <u>CORRESPONDENCE FOR ACTION/INFORMATION</u></b>	
a. Honourable Keith Ashfield, Minister, Department of Fisheries and Oceans, July 27, 2012 regarding the Pacific Recreational Halibut Fishery.	<b>7-9</b>
b. Honourable Keith Ashfield, Minister, Department of Fisheries and Oceans, August 14, 2012 regarding the WCVI Area G Troll Fleet Sockeye Salmon Access and the PST Mitigation Fund.	<b>10-11</b>
<b>5. <u>REPORTS</u></b>	
a. Department of Fisheries & Oceans Update – B. Shaw (Verbal)	
b. Ministry of Environment, Fisheries Update – D. Chalmers (Verbal)	
c. Nuu-chah-nulth Tribal Council Update – D. Hall (Verbal)	
d. West Coast Aquatic Update – A. Day (Verbal)	
<b>6. <u>NEW BUSINESS</u></b>	
a. Draft Region Wide Fisheries Resource Database – R. Gunn (to be distributed at meeting)	

- b. Draft Community Allocation – R. Gunn  
(to be distributed at meeting)
- c. Discussion and Recommendations regarding Funding for Salmon Enhancement Program
- d. Discussion and Recommendations regarding Federal/Provincial Position on Factory Ships and Joint Venture Fisheries
- e. Discussion with First Nations regarding Fish Sales on Highway

**7. ON-GOING BUSINESS**

- a. Seafood Policy in British Columbia: Discussion Paper **12-31**

**8. ADJOURN**



# Alberni-Clayoquot Regional District

## MINUTES OF THE REGIONAL FISHERIES RESOURCE COMMITTEE MEETING WEDNESDAY, JUNE 27, 2012

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

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- ATTENDEES** Bill Irving, Chairperson, District of Ucluelet
- PRESENT:** Tony Bennett, Electoral Area "C" (Long Beach)  
Penny Cote, Electoral Area "D" (Sproat Lake)
- REGRETS:** Glenn Wong, Electoral Area "F" (Cherry Creek)  
John Jack, Huu-ay-aht First Nation  
Don Hall, Nuu-chah-nulth Tribal Council  
Mayor Perry Schmunk, District of Tofino  
Mr. Dennis Chalmers, Province of BC  
Mr. Bill Shaw, Dept. of Fisheries and Oceans  
Andrew Day, West Coast Aquatic

**STAFF PRESENT:** Robert Gunn, Contractor  
Tracy Bond, Secretary

### 1. CALL TO ORDER

The Chairperson called the meeting to order at 10:30 a.m.

### 2. ADOPTION OF MINUTES

- a. Alberni-Clayoquot Regional Fisheries Resource Committee Meeting –  
May 23, 2012

*MOVED: Director Bennett*

*SECONDED: Director Cote*

*THAT the minutes of the Regional Fisheries Committee held on May 23, 2012 be received.*

**CARRIED**

### 3. REPORTS

- a. Ministry of Environment – British Columbia's Seafood Policy

*MOVED: Director Cote*

*SECONDED: Director Bennett*

*THAT the British Columbia's Seafood Policy Discussion Paper be received.*

**CARRIED**

- b. Robert Gunn  
Somass Basin Water Management Plan & Study Update

R. Gunn updated the Committee on the Somass Basin Water Management Plan & Study. R. Gunn advised that the group has been working closely with the Barkley Wild Salmon Working Group and it is possible the two groups could join in the future. Ownership of the Great Central Lake dam is still a concern. The background to the concern is that climate change could result in more rain and less snow in future, with the result that Great Central and Sproat Lakes could get warmer earlier. The presence of the dam at Great Central and the weir at Sproat tend to result in these structures skimming off the surface water and sending that down the two rivers. This is of special concern for migrating sockeye, who require cold water to migrate up river. Over the last few years the region has experienced good snow packs and cool spring temperatures with the result that many sockeye have easily made the transit.

*MOVED: Director Bennett*

*SECONDED: Director Cote*

*THAT the verbal report be received.*

**CARRIED**

*MOVED: Director Cote*

*SECONDED: Director Bennett*

*THAT the Fisheries Resource Committee invite a Department of Fisheries and Oceans representative to the next Fisheries meeting to give an update on the Great Central Lake Dam issue and the water temperature issue for the migrating fish at the next Fisheries Resource Committee meeting.*

**CARRIED**

- c. Robert Gunn  
Nahmint Enhancement Team (NET) Team Charter

R. Gunn spoke regarding the importance of the Nahmint Chinook stocks and the support that the Committee has provided to the Nahmint Enhancement Team in their efforts to rebuild these stocks. This is the Fisheries Committee's main direct activity with the sports fishery and with the UclueletFirst Nation.

*MOVED: Director Bennett*  
*SECONDED: Director Cote*

*THAT this verbal report be received.*

**CARRIED**

- d. Tony Bennett  
West Coast Aquatic Update

T. Bennett advised that West Coast Aquatic continues to move forward on their plan and that the results of their efforts will be circulated for the approval and endorsement of the Regional District and other stake holders later this year.

*MOVED: Director Bennett*  
*SECONDED: Director Cote*

*THAT this verbal report be received.*

**CARRIED**

- e. Minutes from the Barkley Wild Salmon Working Group Meeting -  
April 27, 2012  
Minutes from the Barkley Wild Salmon Working Group Meeting - June 22,  
2012

*MOVED: Director Bennett*  
*SECONDED: Director Cote*

*THAT the Minutes from the April 27, 2012 meeting and the June 22, 2012  
meeting of the Barkley Wild Salmon Working Group be received.*

**CARRIED**

*MOVED: Director Cote*  
*SECONDED: Director Bennett*

*THAT the Fisheries Resource Committee bring forward the Barclay Wild Salmon  
Working Group's resolution on Salmon Enhancement/Habitat Restoration fees to  
Alberni-Clayoquot Regional District Board of Directors for submission to the  
UBCM Convention in September 2012.*

**CARRIED**

#### **4. OLD BUSINESS**

- a. Draft Terms of Reference – Fisheries Resource Committee

*MOVED: Director Bennett*

*SECONDED: Director Cote*

*THAT the Fisheries Resource Committee receive the Draft Terms of Reference and forward to the Alberni-Clayoquot Regional District Board of Directors for approval with the noted changes and send a letter to Committee representatives clarifying their representative and request appointment of alternate ;*

- i Under Scope of Work item "c" add: social, culture and economic,*
- ii Under Scope of Work item "d" change sentence to read: The Committee will attempt to avoid taking sides on issues of allocation disputes between gear types but may recommend processes to resolve such issues.*

**CARRIED**

- b. Staff was requested to place the Province of BC's Seafood Policy document on the next Fisheries Resource Committee agenda.

#### **4. NEW BUSINESS**

- a. Priorities over the next year.

*MOVED: Director Cote*

*SECONDED: Director Bennett*

*THAT the Regional Fisheries Committee request Mr. Robert Gunn to set up a region wide Fisheries Resource Database that would include assets within the region , e.g. marinas, fish plants, fish farms, hatcheries numbers of commercial fishing licences and licence holders, vessels at each port, size of charter fleet, First Nations fishery, spin off industries etc., vessels that winter Regional District Ports but whose owners live outside the Region to be included in the database.*

**CARRIED**

- b. Salmon Enhancement.

*MOVED: Director Irving*

*SECONDED: Director Bennett*

*THAT the Regional Fisheries Committee send a letter to the Minister of Fisheries and Oceans requesting further funding for Salmon Enhancement facilities with copies of this letter to be sent to the Provincial Minister in charge of Fisheries, the MP, the Department of Fisheries and Oceans Regional Director and Mr. Mel Shang.*

**CARRIED**

- c. Mr. Robert Gunn was requested to look into Community Allocation for the Committee.

**10. ADJOURN**

*MOVED: Director Bennett*

*SECONDED: Director Cote*

*THAT this meeting be adjourned at 11:35 am.*

**CARRIED**

Next Fisheries Committee Meeting: Call of the Chair

Certified Correct:

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Bill Irving,  
Chairperson





Ottawa, Canada K1A 0E6

**JUL 27 2012**

Mr. Glenn Wong  
Chair  
Alberni-Clayoquot Regional District  
3008 Fifth Avenue  
Port Alberni, British Columbia  
V9Y 2E3

Dear Mr. Wong:

Thank you for your correspondence of May 31, 2012, regarding the Pacific recreational halibut fishery.

I appreciate your concerns regarding the importance of educating recreational harvesters and the need to gather appropriate harvest data to properly manage the fishery.

Fisheries and Oceans Canada (DFO) has taken a number of measures to ensure that harvesters are aware of 2012 regulation changes to the Pacific recreational halibut fishery, as well as the importance of using catch-and-release practices to return fish to the water in the least harmful manner. For instance, page nine of the 2011-2013 British Columbia Tidal Waters Sport Fishing Guide highlights the Sport Fishing Code of Conduct and proper catch-and-release techniques. DFO has also developed videos of proper techniques, and is working with leaders in the recreational fishing community to raise awareness of the regulation changes. The Department is also working with the sport fishing sector on the Certified Tidal Angling Guide Program, which has training modules related to proper catch-and-release practices. Finally, Departmental officials regularly post fishery notices, such as the one attached, at public docks throughout the Pacific Coast.

I agree with your suggestion to increase the use of logbooks. DFO has been collaborating with the recreational community in recent years to pilot several techniques to improve the collection of recreational harvest data, including online surveys and the increased use of logbooks. The Department has also increased its efforts to improve data collection in areas of known high halibut catch. To learn more about these programs, you may wish to contact Mr. Wilf Luedke, DFO's South Coast Area Director, Stock Assessment, by telephone at 250-756-7222, or by email at < [Wilf.Luedke@dfo-mpo.gc.ca](mailto:Wilf.Luedke@dfo-mpo.gc.ca) >.

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I assure you that DFO enforcement officials are monitoring the implementation of the new regulation and will provide in-season reports on compliance that will guide the development of future public education measures.

Thank you for taking the time to write.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Keith Ashfield". The signature is written in a cursive style with a large initial "K".

Keith Ashfield

Attachment

# FISHERIES AND OCEANS CANADA

## FISHERY NOTICE

### NOTICE TO ALL RECREATIONAL FISH HARVESTERS

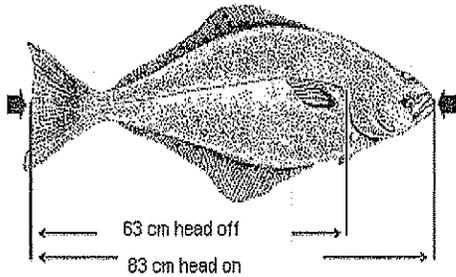
## HALIBUT LIMITS

Effective at 00:01 hours April 1, 2012 the daily limit for halibut is one (1) and the possession limit for halibut is two (2), of which only one may be greater than 83 cm. This measurement (referred to as "Head-on") is from the centre of the tail to the foremost end of the lower lip. This limit applies at all times while the licensed angler is away from his or her ordinary place of residence.

In order to comply with the licence condition, halibut in your possession must be retained in such a manner that their size can be readily determined. **If you have two halibut in your possession you must be able to show that at least one of them is 83cm or less.** Halibut may be left whole, head on, gut removed. This will allow fishery officers to measure them accurately for compliance to the length requirement.

#### "Head off" Measurement

The International Pacific Halibut Commission (IPHC) uses a conversion factor of 0.75 from head on to head off as measured from as the base of the pectoral fin at its most anterior point to the extreme end of the middle of the tail. The licence condition for one halibut 83cm in length, would equate to a halibut 62.25cm head off, as measured below.



DFO will accept a 63cm head off measurement as meeting the requirement of a whole halibut being 83cm in length. Halibut of this size may be cut into four fillets, providing one fillet has the pectoral fin and tail attached. If the length of your halibut with the head removed is close to the 63cm limit, it is suggested that you leave the backbone attached to the fillet with the pectoral fin and tail attached. Consult the "Packaging and Transporting Your Catch" section in the 2011-2013 Tidal Waters Sport Fishing Guide if you are filleting a larger halibut.

#### Closed Areas

##### Areas 121, 23 and 123:

Effective until 23:59 hours December 31, 2012, no person shall fish for or retain halibut, rockfish and lingcod in Area 121 outside the 12 nautical mile limit seaward of a line that begins at 48°34.00'N and 125°17.386' W and continues south easterly at a bearing of 116° True to a point at 48°28.327'N and 125°01.687'W.

Electronic licence conditions are in effect in this area. Only a Canadian resident may fish for or retain halibut under an electronic licence in management Areas 121, 23 and 123.

##### Swiftsure Bank - Area 121:

The waters of Swiftsure Bank, inside a line from 48°34.00'N and 125°06.00'W, thence to 48°34.00'N and 124° 54. 20' W, thence to 48°29.62'N and 124°43.40'W, thence following the International Boundary between Canada and the U.S. to 48°29.55'N and 124° 56.20'W, thence in a straight line to the point of commencement, are closed to all finfish.

Fishers are reminded that it is a violation to have any fish in your possession that were caught while recreationally fishing that have been skinned, cut, packed or otherwise dealt with in such a manner that the species, number, and weight or length of the fish cannot be readily determined.

Rockfish Conservations Areas (RCAs) remain in effect - refer to the following website for descriptions: <http://www.pac.dfo-mpo.gc.ca/fm-gp/rec/restricted-restreint/rca-ac-s-eng.htm>

For more information please contact your nearest Department of Fisheries and Oceans office or visit us on the web at <http://www.pac.dfo-mpo.gc.ca/recfish>

**TO REPORT FISHING VIOLATIONS CALL: 1-800-465-4336**



Ottawa, Canada K1A 0E6

AUG 14 2012

Mr. Glenn Wong  
Chair  
Alberni-Clayoquot Regional District  
3008 Fifth Avenue  
Port Alberni, British Columbia  
V9Y 2E3



Dear Mr. Wong:

Thank you for your correspondence received on June 20 and June 26, 2012, regarding the West Coast Vancouver Island (WCVI) Area G troll fleet sockeye salmon access and the Pacific Salmon Treaty (PST) Mitigation Fund.

I understand your concern about reduced access to fishing opportunities. As you are aware, an approximately \$30 million mitigation strategy, including a commercial troll licence retirement program, was launched to help commercial fish harvesters and coastal communities manage the recent reduction in the total allowable harvest of chinook off the West Coast Vancouver Island under the PST. More information on the Pacific Salmon Treaty Voluntary Troll Licence Retirement Program can be found online at < [www.dfo-mpo.gc.ca/media/npres-communique/2011/np-pr10-eng.htm](http://www.dfo-mpo.gc.ca/media/npres-communique/2011/np-pr10-eng.htm) >.

The first and second rounds of the licence retirement program are over. In the first round, a total of six Area G licence eligibilities were retired as a result. The second round was open to all troll licence holders and a total of 62 retirement applications were submitted. The Department has made offers to retire 25 salmon troll licence eligibilities from Areas F, G and H. Area G commercial troll licence holders continue to be eligible to participate and the total number of Area G licences retired after the two rounds is now 14 licences.

Applications for round 3 of the licence retirement program were mailed to all commercial troll licence eligibility holders on June 15, 2012, with an application deadline of July 31, 2012. Subsequent retirement rounds are anticipated to occur in September and December of 2012, and in March, June, September and December of 2013, subject to remaining funds and other considerations. A review will take place after the round in December 2013.

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Regarding your suggestion to increase the Area G access to Fraser sockeye in the event of a large return of Fraser River sockeye salmon on the WCVI, the Department works with the Commercial Salmon Advisory Board to develop allocation arrangements between each of the commercial salmon fleets, including Area G.

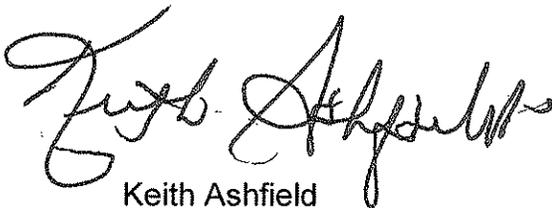
Harvest committee representatives from all of the commercial salmon fleets, including Area G, negotiate salmon shares for all of the fleets each year based on expected harvests and consistent with the Allocation Policy arrangements. Area G harvest committee members have received a share of Fraser River sockeye in some years and not others consistent with Allocation Policy guidelines. Commercial advisors, including those in Area G, have expressed concerns with the current commercial allocation framework and the mitigation strategy includes an initiative to modernize the Department's commercial salmon allocation framework.

Finally, you raise concerns about recreational access to chinook salmon on the WCVI. The Department's approach for allocating chinook on the WCVI has not changed. The harvest sharing arrangements between First Nations, recreational and commercial harvesters on the WCVI continue to be made consistent with the *Allocation Policy for Pacific Salmon*. After conservation and First Nations' food, social and ceremonial fishery requirements, the Allocation Policy provides priority access for chinook for recreational harvesters followed by the commercial fishery, where abundance permits. The Area G allocation is calculated by subtracting the anticipated First Nations and recreational catches from the Total Allowable Catch (TAC) for the WCVI aggregate abundance based management fisheries.

Recreational harvests vary from year to year depending on chinook abundance. In recent years, the Department has set aside 50,000 to 60,000 chinook for recreational harvests. In years when the overall abundance is low, there is less remaining for harvest by Area G. Conversely, in years of higher abundance, the share available to Area G will increase relative to the other sectors. Further adjustments to the available TAC for Area G are also made in September, based on updated harvest estimates in recreational or First Nations fisheries.

Thank you again for taking the time to write.

Yours sincerely,



Keith Ashfield

# Seafood Policy in British Columbia: Discussion Paper

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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 1970s<sup>1</sup> 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.

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<sup>1</sup> 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](mailto: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 plants<sup>2</sup>. 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<sup>3,4,5</sup> 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>)*

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

<sup>3</sup> Health Canada 2011. Eating Well With Canada’s Food Guide.

<sup>4</sup> 2005 USHHS/USDA. Dietary Guidelines for Americans 2005. US Department of Health and Human Services/US Department of Agriculture ([www.healthierus.gov/dietaryguidelines](http://www.healthierus.gov/dietaryguidelines))

<sup>5</sup> 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](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*<sup>6</sup>. 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."<sup>7</sup> 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 jurisdiction<sup>8</sup>);
- 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:

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

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

<sup>8</sup> 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 licences<sup>9</sup>

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 licenced [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

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<sup>9</sup> 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 #42<sup>10</sup>

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.*

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<sup>10</sup> 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 System<sup>11</sup> 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?*

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<sup>11</sup>For 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 consolidated<sup>12</sup> 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.

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<sup>12</sup> 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
<b>Fish Processing Licence*</b>	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
<b>Fish Buying Station Licence</b>	for salmon	\$230.00
	for roe herring	\$230.00
	for fin fish	\$150.00
	for invertebrates	\$150.00
<b>Fish Brokers Licence</b>	for salmon	\$230.00
	for roe herring	\$230.00
	for fin fish	\$150.00
	for invertebrates	\$150.00
<b>Fish Vending Licence</b>	all species	\$30.00
<b>Marine Plant Harvesting Licence</b>	all species	\$110.00
<b>Marine Plant Royalty</b>	variable depending on species	\$10 to \$100 per wet tonne
<b>Aquaculture Business Licence</b>	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 <sup>st</sup> Offence: \$100,000 2 <sup>nd</sup> Offence: \$100,000 or up to 1yr. Indictable Off: \$500,000 or up to 2 yr.	\$5,000 or up to 1 yr.	1 <sup>st</sup> Offence: \$100,000 &/or 90 days 2 <sup>nd</sup> 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 <sup>st</sup> Offence: \$20,000 or 3 mo. 2 <sup>nd</sup> Offence: \$50,000 or up to 2 yr. Indictable Off: \$250,000 <sup>13</sup> \$100,000 or up to 5 yr. <sup>14</sup>	1 <sup>st</sup> Offence: \$20,000 or up to 6 mo. 2 <sup>nd</sup> Offence: \$50,000 or up to 6 mo. 3 <sup>rd</sup> 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. <sup>15</sup>	\$500 or up to 6 mo.	Contravention of <i>FIA</i> , as above.	Contravention of <i>FIA</i> , as above.	As above.	1 <sup>st</sup> Offence: \$5,200 or 30 days. 2 <sup>nd</sup> 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 <sup>st</sup> Offence: \$100,000. 2 <sup>nd</sup> 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 <sup>st</sup> Offence: \$10,200 or 90 days. 2 <sup>nd</sup> Offence: \$15,000 or 90 days.	\$500 or 6 mo.
Obstructing an Inspector.	\$500 or 6 mo. OR \$2,000. <sup>16</sup>	Contravention of <i>FIA</i> , as above.	Contravention of <i>FIA</i> , as above.	As above.	\$5,000	\$4,000

<sup>13</sup> Levied against a corporation.

<sup>14</sup> Levied against an individual.

<sup>15</sup> TDU fish is fish that is tainted, decomposed or unwholesome.

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

## Appendix III

### Links for Provincial Legislation:

*Fisheries Act*

Fisheries Act Regulations

*Fish Inspection Act*

Fish Inspection Act Regulations