

 Fisheries and Oceans
Canada


 Pêches et Océans
Canada

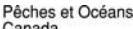


Engagement on a Potential Aquaculture Act

Fall/Winter 2017/18

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Purpose

Fisheries and Oceans Canada is currently examining our regulatory system to address the growing and evolving aquaculture sector in Canada.

We want to improve our regulatory system in ways that best support the protection of the environment, strengthen the aquaculture industry, and provide employment for thousands of Canadians.

Your input is essential to us in this process and we would appreciate hearing your views.

- *What would be the benefits in having an aquaculture act in Canada?*
- *What implications or issues should be considered?*

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SCOFO and the Federal Government Response

The Standing Senate Committee on Fisheries and Oceans (SCOFO) report on aquaculture was accepted by the Senate in June 2016.

- One of the recommendations was to develop an aquaculture act

The Federal Government response (November 1, 2016) committed to exploring options for legislative reform, including the development of an aquaculture act.



Exploring Legislative Reform

To better explore a legislative option for aquaculture, DFO is concurrently:

- conducting an analysis of the legislative and regulatory aquaculture regimes in Canada;
- developing a model for an aquaculture act that would help achieve the Federal Government's goal of environmentally sustainable growth of the sector in a manner that respects provincial/territorial regimes; and
- engaging FPT partners, Indigenous peoples, and stakeholders (this preliminary engagement will continue until March 2018).

Building on comments received from Canadians, recommendations regarding a potential aquaculture act will be prepared for Ministers at the next CCFAM meeting in June 2018.

AQUACULTURE ACT CONSIDERATIONS

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Themes for Discussion

- A variety of legislation and regulations exist in Canada at both the federal level and the provincial / territorial level
- We have an opportunity to review this complex regime by looking to themes
- Others may exist and we welcome discussion on them at these sessions

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Clarity of FPT Roles and Responsibilities

The legislative framework is complex and includes federal, provincial, and territorial roles and responsibilities.

Bilateral Memoranda of Understanding between DFO and many of the provinces are the primary mechanisms for dual jurisdictional management.

Different regulatory approaches may be required to address differences in:

- aquatic environments;
- farming techniques (e.g., freshwater vs. marine); and,
- species (e.g., Atlantic vs. Pacific vs. inland; shellfish vs. finfish).

In British Columbia, a 2009 BC Supreme Court decision deemed aquaculture to be the responsibility of the federal government.

Thematic Discussion #1

Leasing and Licensing

Currently, three regimes exist in Canada:

1. in BC, DFO issues aquaculture licences under the *Pacific Aquaculture Regulations*, and the province issues leases for sea-bed use;
2. in PEI, DFO issues leases with provincial involvement; and
3. in the remaining provinces and Yukon issue both leases and licences.

There is a high degree of variability by province/territory on aspects such as:

- space requirements for biosecurity or area management;
- duration of licences and tenures;
- conditions of licence;
- compliance and enforcement measures; and
- public reporting on conditions of licence, etc.

Is there room for further streamlining and harmonizing, as well as implementing national leasing and licensing standards?

Thematic Discussion #2

Disease/Fish Health

- *Health of Animals Act* and National Aquatic Animal Health Program (NAAHP) (Canadian Food Inspection Agency); DFO assists with the NAAHP
- *Fishery (General) Regulations*, Section 56 (currently amending)

Access to new fish health and feed products is a federal responsibility shared by Health Canada and the CFIA.

Federal-provincial-territorial jurisdictions work together, via the National Code on Introductions and Transfers of Aquatic Organisms, to manage movements live of aquatic organisms.

Is there room for further streamlining and/or harmonizing regulations related to Fish Health?

Thematic Discussion #3

Pollution Prevention and Environmental Conservation

Conservation and protection of the environment remains critical. The impact of aquaculture operations on aquatic habitat is addressed in part by:

- *Aquaculture Activities Regulations* in relation to the serious harm (s.35) and deposit of deleterious substances (s.36) provisions of the *Fisheries Act*
- *Canadian Environmental Protection Act*, 1999 pollution prevention provisions (Environment and Climate Change Canada)
- *Pest Control Products Act*, which legislates, among other things, the use of pesticides by industry (Health Canada)

Is there room to improve the pieces of federal legislation that apply to aquaculture?

Thematic Discussion #4

Aquatic Invasive Species/ Marine Mammal Interactions/ Integrated Pest Management

The 2015 *Aquatic Invasive Species Regulations* manage and control existing and new aquatic invasive species (AIS) in Canada.

- The Regulations complement existing federal and provincial authorities and enable a broad range of AIS management activities.

Monitoring sea lice abundance is managed by provinces in Atlantic Canada and DFO in BC. Each province has different thresholds and protocols for sea lice management.

Marine mammal predator control (including entanglement with aquaculture nets) is governed nationally by the *Marine Mammal Regulations* under the *Fisheries Act*.

Control measures for predators (other than marine mammals) are set by provinces, except in BC where all interactions with wild species are the responsibility of DFO.

How can we provide Canadians with further assurance under a federal legislation?

Thematic Discussions #5 and 6

Legislative Definition of “Aquaculture”

Aquaculture is defined differently in legislation and regulations across Canada.

- A national definition could support the industry in terms of managing regulatory issues around aquaculture, as well as international market development.

Legislative Authority for Industry Development

- Industry is requesting programs similar to those available for terrestrial agriculture.
- A few initiatives exist at the regional level via development agencies, (i.e. the Atlantic Canada Opportunities Agency, but nothing exists at the national level.

Next Steps

- DFO will continue its engagement sessions until March 2018
- A report will be prepared for CCFAM Ministers session next summer (2018) based on your comments
- Further engagement and consultations will be conducted if the Federal Government decides to develop an aquaculture act.

Thank you

Annex 1: Indigenous Aquaculture Engagement Strategy

The development of an **Indigenous Aquaculture Engagement Strategy** has been included in the DFO-CCG Reconciliation Action Plan

The strategy will document high-level principles, objectives, guidance and related processes for engagement and consultation with Indigenous organizations

The Assembly of First Nations' (AFN) recently re-established National Aquaculture Working Group (NAWG) - provides First Nations with a forum to engage with DFO on policy, regulation and program development related to aquaculture

The strategy will be developed in cooperation with the NAWG and regional Indigenous organizations from across Canada

Annex 1: Indigenous Aquaculture Engagement Strategy

In cooperation with Indigenous peoples, DFO seeks to establish an Indigenous aquaculture engagement strategy (IAES) that meets the needs of all partners. The strategy will:

- be based on the recognition of rights, respect, cooperation and partnership;
- contribute to reconciliation, to establishing a relationship of trust and to building the Nation-to-Nation, Government-to-Government, and Inuit-Crown relationships between Indigenous peoples and the Government of Canada (and the whole of the Crown);
- proactively informs and involves Indigenous peoples early in DFO aquaculture initiatives;
- build on and improves existing engagement processes to address issues identified by Indigenous peoples related to recent aquaculture engagement;
- achieve effective connections between local, regional and national engagement processes;
- improve planning and communication both internal and external to DFO (with Indigenous peoples/organizations, other federal government departments, provinces and territories); and,
- contribute to sustainable development of Indigenous aquaculture, protection of aquatic ecosystems and effective stewardship of fish stocks upon which Indigenous communities depend.

Annex 2: Fisheries & Aquaculture Clean Tech Funding

Federal Budget 2016 committed more than \$1 billion over four years to support clean technology in the natural resource sector, including fisheries and aquaculture.

Federal Budget 2017 confirmed this commitment with \$200 million to support clean technology research, development, demonstration, and adoption in Canada's natural resources sectors.

- \$20 million / 4 years has been allocated to DFO for the delivery of a national contributions program.

Details of funding delivery are being developed by DFO and will be communicated publically once finalized.