



AQUACULTURE MANAGEMENT

Fisheries and Oceans Canada (DFO) Shellfish (SF) Aquaculture Management Advisory Committee (AMAC) Meeting Summary

Meeting Date:	October 26, 2023 8:30am-4:00pm
Location:	The Westerly Hotel, Courtenay BC
Meeting Objectives:	Discuss and seek advice from committee members on shellfish aquaculture management, initiatives and issues
Materials Distributed:	Distributed via Dropbox: October 2023 Dropbox Link <ul style="list-style-type: none"> • SF AMAC Meeting Agenda • SF AMAC Meeting Notes • SF AMAC Response Log • Presentation - Area Based Aquaculture Management Update • Presentation - Harmonized Application and Guidebook Update/Engagement • Presentation - Shellfish 2024 COL Update/Engagement • Revised BSLC Ecosystem Forum Terms of Reference • BCFOR Tips for completing applications • Placemat for WALRS (BCFOR)

Attendees

<p>AMAC members:</p> <p>Industry Licence-Holders (7 seats) Keith Reid, Odyssey Shellfish Ltd. J.P. Hastey, Nova Harvest Ltd. Alex Munro, Taylor Shellfish Canada (Fanny Bay Oysters), Raincoast Sea Farms Inc. Dan Dyble, Kilo Sea Farms Gordon McLellan, Macs Oysters Ltd. Ed Bereziak, Aphrodite's Garden Oyster Co Brennen (Sailor) Johnson, Sailor's Seafoods</p> <p>Industry Associations (2 seats) Nico Prins, BC Shellfish Growers Association (BCSGA) Marguerite Parker, Aboriginal Aquaculture Association</p> <p>First Nations (7 seats) Daniel Rabu, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations , Tiicma Fisheries</p> <p>Conservation and Environmental Non-Governmental Organizations (ENGOS) (3 seats) Mikaila Lironi, Island Trust – Denman Island</p> <p>Local Government (2 seats) Dannielle Alan, North Central Local Government Association (NCLGA) Daniel Arbour - Union of British Columbia Municipalities (UBCM) – Association of Vancouver Island and Coastal Communities (AVICC) South Coast Delegate (Electoral Area A, Baynes Sound / Denman & Hornby Islands, Comox Valley Regional District)</p>	<p>Facilitator: Saul Milne</p> <p>Ex-officio:</p> <p>DFO Brenda McCorquodale, Director, Aquaculture Management Division (AMD) Gabrielle Kosmider, Sr Aquaculture Coordinator – Canadian Shellfish Sanitation Program (CSSP) Melinda Scott, Sr Aquaculture Coordinator – Shellfish Chris Marrie, Sr Aquaculture Biologist– Shellfish Trevor Gray, Chief, Aquaculture Unit, Conservation and Protection (C&P) Tarah Sullivan, Aquaculture Coordinator - Engagement</p> <p>Government of British Columbia Lesley Chapman, Ministry of Agriculture and Food Amber MacDonald, Ministry of Forests Jessica Outhwaite, Ministry of Forests Kevin Romanin, Ministry of Forests (Virtual) Elizabeth Harries, Navigation Protection Officer, Transport Canada</p> <p>Observers: Malcolm Cowan, BCSGA</p> <p>Absent: Bill Heath, Comox Valley Project Watershed Society Josh Temple, Coastal Restoration Society Grace Adams, Tla'amin Nation, Tla'amin Management Services LP</p>
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1. Welcome, Introductions, and Overview of Agenda (Saul Milne)

- The agenda was reviewed and adopted.
- There are still vacant First Nations seats and the Department is continuing to pursue options to fill the vacancies.

2. Review Notes and Action Items from the last meeting (Melinda Scott)

- The last meeting's minutes and action log were reviewed and accepted.

3. DFO Regional and National Update (Brenda McCorquodale)

Staffing /HR Update

- DFO's new Minister - The Honourable Diane LeBouthillier, was appointed on July 27, 2023.
- DFO has a new Regional Director General Pacific Region – Susan Chambers, and a new Director General of Aquaculture – Marianne De Vito.

Open Net Pen Transition

- Phase 3 engagement closed at the end of September 2023. This phase provided opportunities to engage on the potential outcomes of a Transition Plan. Phase 4 will provide additional opportunities for engagement on an as-needed basis.
- A number of First Nations have applied for and received funding to participate in engagement. We are no longer accepting applications for funding for the 2023/2024 fiscal year.

Area-Based Aquaculture Management

- There are five months left of this initiative; currently ending in March 2024.
- DFO staff are continuing to meet regularly with partners and observers in the Baynes Sound and Esperanza Inlet pilot areas.
- A further update on the Baynes Sound pilot is later in the agenda.

Shellfish Aquaculture Licence Applications

- Statistics were provided on the number of shellfish licence applications received and under review by DFO this year:
 - 81 new applications
 - 71 licences issued
 - 38 applications currently under review (11 active, 27 paused)
- The applications being received and placed under review by DFO are primarily amendment applications to add standard infrastructure, floating surface culture gear, and equipment identification plans to licences.

Shellfish Annual Report 2021-22

- The 2021-2022 Shellfish Annual Report is anticipated to be published at the end of fiscal (Mar 2024).

Canadian Shellfish Sanitation Program (CSSP)

- Floating Bag Culture
 - Facilities with floating bag culture need to have site specific condition of licence (SSCOL) added to their Pacific Aquaculture Regulations (PAR) licence, which acknowledges the presence of this culture type and requires the licence holder to hold a valid *Management of Contaminated Fisheries Regulations* (MCFR) licence and an approved decontamination plan.
 - DFO is following up with licence holders that have not yet applied to have a SSCOL added.
- Pacific Region Interdepartmental Shellfish Committee (PRISC) Update
 - The PRISC engagement day was held on October 19 in Deep Bay.

- Key issues raised by attendees included concern over the extent and management of long term CSSP closures and concern over the use of MCFR licences to manage decontamination of product harvested from floating surface culture.
- PRISC agreed to strike a working group on floating surface culture, emphasizing that there will be certain elements of current management that cannot be changed at this time, but there may be efficiencies in that management to be found.

Fisheries and Aquaculture Clean Technology Adoption Program (FACTAP)

- The FACTAP is set to sunset March 31, 2024. The call for 2023-2024 FACTAP proposals is now closed and the review process is currently underway.
- Further information on the program, can be found at the links provided in the agenda.

Harmonized Application Templates & Guidebooks

- DFO, the Province of BC and Transport Canada are working to advance updates to the Harmonized Applications and Guidebooks, including the one for shellfish. Further information is provided later in the agenda.

Conditions of Licence Reviews

- We are starting early engagement on the shellfish conditions of licence, which expire in 2025. Further information is provided later in the agenda.
- Consultation and engagement on conditions of licences are also taking place in the marine finfish and freshwater/land-based sectors, the licences for both of which expire in June 2024.

First Nations' Consultation on Aquaculture Applications

- In the spirit of reconciliation and the new *United Nations Declaration on the Rights of Indigenous Peoples Act*, DFO is exploring ways to improve how we share information, consult, and collaborate with First Nations.

Science

- The Aquaculture Collaborative Research and Development Program (ACRDP) is currently paused and is being reconsidered. Updates will be provided to SF AMAC members as they become available.

AMAC Member Discussion

- DFO clarified that it is still in an information gathering phase to determine if there is need or interest in funding for farms that need to transition from Net Pens. It has been confirmed that the Net Pen transition planning is salmon specific and not inclusive of sablefish.
- DFO clarified that the new Minister has been operating under the current mandate letter.
- Regarding the licence application update, industry would like to see more detailed statistics on the number of applications for new sites reported to the AMAC in the future.
- Industry requested that DFO have further conversations with BCSGA on compliance that is being presented in the Shellfish Annual Report, specifically if it can include clarification on the relative risk of specific non-compliance issues using a sliding scale. They requested that the non-compliance status reporting indicate if it is major or minor non-compliance.
- Industry would appreciate more opportunities to provide feedback before any regulatory changes are put into place. DFO confirmed that, when possible, they bring changes to forums like this (e.g. SF AMAC & Shellfish Aquaculture Industry Advisory Panel (SAIAP)) and will continue to incorporate feedback while respecting authorities.
- DFO confirmed that the *Aquaculture Act* development is on hold.
- There was discussion around DFO's consultation process for applications. Consultation is site specific and varies depending on the details of the site application, the environment and potential impacts to Aboriginal rights and title. However, it should be noted that DFO is working towards a higher degree of transparency with First Nations.

- DFO was questioned on the reasons for the ACRDP pause, Aquaculture Management Division (AMD) is unable to speak to this as it is a program led by Science Branch.

ACTION: SAIAP to discuss how DFO can better consider industry practical needs in policy and regulatory development within DFO's authority. Note - DFO is just one of three regulatory agencies.

ACTION: AMD staff to follow-up with Science Branch for further information on the pause and future of ACRDP.

4. BC Update

Ministry of Agriculture and Food, Aquaculture and Marine Fisheries

Staffing/HR

- Myron Roth has accepted a new position as Director, Climate Risk Management, with BC's Climate Action Secretariat-Ministry of Environment and Climate Change Strategy. The new Aquaculture and Marine Fisheries Team Lead is Andrea Shaw.
- The Aquaculture and Marine Fisheries team has been merged into a larger Island-based team which includes three Vancouver Island based regional agrologists.
- Anne Aubin now handles the seafood safety files including PRISC, Norovirus, Vibrio, and other shellfish safety concerns; and also supports seafood processing.
- Ministry staff are now attending the ABAM pilot project meetings as observers.

BC Fisheries & Aquaculture Ocean Acidification & Hypoxia Action Plan (BC OAH Action Plan)

- The Action Plan and the accompanying Scientific Assessment were released May 24, 2023, and are available via the press release: <https://news.gov.bc.ca/releases/2023AF0033-000799>.

Seafood Processing Capacity Assessment

- The objective of the study was to assess the B.C. seafood processing sector, including current state, key challenges and opportunities, and to make recommendations to support capacity building.
- The full report and the summary of findings are available upon request.
- Inquiries about the report should be made to Tiffany Guan, Seafood Processing Specialist, Food and Beverage Branch (Tiffany.Guan@gov.bc.ca).

Funding Program Updates

- Extreme Weather Preparedness Program
 - The program was designed to fund practices that are already proven to be effective and that could easily be adopted.
 - Aquaculture was added as an eligible industry sector this year; however, no applications were received from this sector.
 - There is interest in supporting a pilot project to evaluate the effectiveness of a heat-mitigation strategy. If interested, contact Lesley.Chapman@gov.bc.ca.
- Climate Ready BC Seafood Program
 - Intake will be open until November 15, 2023
 - A recording of the info session on the program is available at Climate Ready BC Seafood Program (oceandecadenortheastpacific.org). For more information, contact Rebecca Martone, Executive Director of the ODCC (Rebecca.Martone@tula.org).
- New Food Affordability & Innovation Fund - Open until Nov 2.
- New Indigenous Food Security & Food Sovereignty funding program - Open until Dec 1.
- New Food Security Emergency Planning & Preparedness Fund - Open until Dec 19.

Information on funding programs can be found at: [Agriculture and Seafood Programs - Province of British Columbia](#).

Research – Extension

- Work continues with Vancouver Island University on selective breeding in scallops using genetic tools to produce a more robust, climate resilient seed for local growers.
- Work also continues with the Hakai institute on understanding the role of kelp on carbon dioxide atmospheric exchange and sequestration.

AMAC Member Discussion

- Discussion around complaints against aquaculture - in some instances complaints can be managed by acknowledging the *Right to Farm Act*.
- Members note that it be appropriate to acknowledge Myron Roth's contribution to this membership.
- Members note that the timelines for the harmonization process is a roadblock to participating in programs like the extreme weather preparedness project.

ACTION: DFO to prepare a digital card in recognition of Myron Roth.

Ministry of Forests (Land Authorizations)

Staffing/HR

- New staff have been brought on board for processing applications.
- The provincial government is currently restructuring the Ministry of Forests (FOR) and Ministry of Water, Land and Resource Stewardship (WLRS) – land authorizations will be moving under WLRS (placemat distributed with meeting materials).

AMAC Member Discussion

- It was confirmed that Amber MacDonald and Jessica Outhwaite will stay on the Aquaculture Team.
- There was discussion around staffing resources to process applications - there are now 15 employees that are working on aquaculture with resources dedicated to each sector. Growth in co-culture applications continues to demand staffing resources.

5. Norovirus Update (BCSGA)

- Fisheries notices were sent out seeking applicants for the Norovirus Working Group (WG), with little to no response.
- The main challenge for the potential WG is determining jurisdiction and reporting structure.
- The WG is only worthwhile if it can engage with all agencies that can address issues directly.

AMAC Member Discussion

- There is currently no one from local government on the working group but that may change in the future.

6. Application and Guidebook Updates (DFO, BC, TC)

- Presentation provided to members.

AMAC Member Discussion

- Transport Canada (TC) will be [implementing cost recovery fees](#) for all navigational authorization applications starting on March 31, 2024. TC confirmed that submitting an application prior to the cost recovery implementation date will avoid the application of fees. Fees are only applied when there is a change to infrastructure.
- The harmonization partners are seeking feedback on ways to minimize the need for amendment applications. Organizational contacts were provided in the presentation.

- Industry will still need to have gear types approved by TC, BC and DFO. TC is predominantly concerned with new or changed infrastructure. Providing feedback on possible changes that industry could foresee will help TC accommodate needs.
- DFO is concerned with where aquaculture activities are occurring, especially in important and sensitive habitat. DFO recommends that industry identify multiple site plan configurations within the tenure boundaries when applying. This would provide flexibility to industry in making changes when needed based on the approval of the overall assessment for habitat within the entire tenure area.
- To avoid costly Fish Habitat surveys, DFO recommends that the tenure size is reflective of what the licence holder is planning to use; and in lieu of a RP Biologist, a qualified environment professional would meet the requirement.
- TC and BC confirmed that when submitting multiple configurations, an applicant must also include multiple top-down view maps. Further to this, operators have a legal obligation to follow the plans in their approved top-down view maps.
- Applications that have not yet been reviewed by the Project Review Team (PRT) can be amended - this is one way to allow flexibility without being hindered by regulatory approval processes.
- DFO can apply SSCOL to provide buffers for sites that have a sense of habitat concerns.
- Many sites have unique needs. Applicants should communicate clearly with the harmonization partners to receive advice and avoid future amendment applications.
- DFO will confirm with the licensing team as to how the single applicant mandate can be applied to First Nations and First Nation government applicants.
- The Harmonization partners have considered appointing a First Nation Coordinator to support the applicant process, however it is difficult to determine a representative that would be appropriate for such a broad group of applicants. BC encourages applicants to reach out to First Nations within the tenure area.

ACTION: DFO will confirm with the licencing team as to how the single applicant mandate can be applied to First Nations and First Nation government applicants.

7. Sector Check Ins (AMAC Members)

Islands Trust

- Despite ongoing ocean and beach clean-up efforts, there are still complaints from residents regarding derelict shellfish aquaculture infrastructure and debris in the Baynes Sound area. This highlights ongoing social licence issues for this sector.
- They are finding ways to promote shellfish aquaculture as sustainable agriculture.

Local Government

- The shellfish sector has identified some of the issues for the Climate Ready steering committee.
- It is anticipated that the new systems in place for shellfish aquaculture debris will lead to positive improvements in the future.
- Local governments are looking at a regional district septic regulation system to increase protection in high density areas.
- The South Sewer Project has been funded.
- The Association of Vancouver Island and Coastal Communities (AVICC) has a call out for session proposals for the [2024 AVICC Annual General Meeting \(AGM\) and Convention](#), which is being held in Victoria April 12-14, 2024. This would be a good opportunity to engage local governments on the shellfish industry and the AMAC process.

ACTION: DFO and BCSGA to explore submitting a session proposal for the AVICC AGM and Convention in April 2024. Note – session proposals are due December 5, 2023.

First Nations

- The Ka:'yu:'k't'h'/Che:k:tles7et'h' First Nation (KCFN) has installed and stocked an oyster farm, which now is closed to harvest under the CSSP due to inconsistent biotoxin sampling.
- Tiicma Fisheries (KCFN) is working towards developing a variety of species for the market, including some species where, currently, no licensing policy exists (sea cucumber and abalone). They are in conversations with DFO, including the Species at Risk group, to determine a path forward.
- Toquaht Nation has started to seed their 10ha subtidal geoduck facility. This is the first Indigenous geoduck aquaculture facility to be licensed in a "red" or high commercial value geoduck area, as per the Integrated Geoduck Management Framework.
- Ahousaht is currently installing infrastructure for a 40ha aquatic plant licenced facility. Securing labour continues to be the biggest challenge.

Aboriginal Aquaculture Association (AAA)

- The AAA has focused its efforts on supporting First Nations on open net pen transition plan engagement.
- First Nations leaders have communicated that they are stretched thin to participate in the SF AMAC, but AAA commits to bringing back messages from this table.
- The AAA will celebrate its 20th anniversary in December.
- The AAA confirmed similar concerns to industry, they are facing the same labour and CSSP issues.

BC Shellfish Growers Association (BCSGA)

- There are industry concerns around enforcement of the 2021 Shellfish Conditions of Licence (COL) and financial impacts of tagging and survey requirements.
- With many expired tenures, there is a lack of tenure security.
- The proposed changes to the freshwater and land-based sector COL have raised shellfish industry concerns regarding potential future shellfish facility/health management plans and moving away from licensing for all low-risk species. DFO clarified that they will not be recommending the removal of shellfish species nor implementation of health management plans for land-based shellfish facilities during this licence re-issuance.
- BCSGA also noted a concern around potential shorter licence duration with the 2025 shellfish licence re-issuance.

Industry

- Industry noted disappointment in the apparent lack of social licence and support for shellfish aquaculture.
- Industry noted frustration at the increasing regulatory burden, which is seen to be impeding the industry from growing and innovating. This is increasing uncertainty for the sector's viability.
- An industry member attending their first meeting noted that given the instability, they are not sure they want to continue to operate in this industry.

8. DFO Area-Based Aquaculture Management (ABAM) Update (Elysha Gordon, and Richard Hardy)

- Presentation provided to members.
- This pilot project has highlighted multiple perspectives regarding shellfish aquaculture. It has provided an opportunity to build relationships and look at new ways to work together.
- Co-governance and cooperative development around shellfish aquaculture are key interests for the K'ómoks First Nation, especially given the high level of shellfish production in Baynes Sound.

- The current pilot project will conclude in March 2024 but there are opportunities for continued collaborative work.

AMAC Member Discussion

- It was noted that action item #44 in the [United Nations Declaration on the Rights of Indigenous Peoples Act \(UNDA\) Action Plan \(2023-2028\)](#) is to develop national aquaculture legislation that will support self-determination and the meaningful implementation of Aboriginal and treaty rights.
- DFO recognizes that going forward, there may need to be different approaches in different areas as interests of individual First Nations vary.

9. DFO Conservation & Protection (C&P) Update (Trevor Gray)

- There is a National Recruitment initiative underway to address staffing shortages.
- Focus of enforcement is on new debris COLs at intertidal and deep-water sites – of 40 sites inspected, approximately 25 percent of sites were non-compliant.
- It was noted that there is a low level of compliance around gear marking, exposed Styrofoam, and secured predator netting.

AMAC Member Discussion

- To ensure that both Industry and DFO have a clear view of non-compliance definitions, there has been discussion of creating a photo guidebook on standards.
- It was noted that staffing limitations within C&P have an impact. The Aquaculture Management Division identifies concerns that take priority based on harm to fish and fish habitat.

10. Shellfish 2025 Conditions of Licence (COL) Early Engagement Presentation (Melinda Scott)

- Presentation provided to members.

AMAC Member Discussion

- DFO confirmed that data collected in the Annual Aquaculture Statistical Report has a variety of internal uses and is shared with BC.
- Product movement does not need to be tracked within sites but if does if it leaves the site. The harvest notification requirement has been removed for MCFR.
- Industry expressed concerns over the reporting burden around product movement. In reviewing COLs, DFO will consider ways to work with regulatory partners to streamline where possible, while still ensuring tracking for safe food supply.
- The licence review will consider potential risk of farmed to wild disease transmission and mitigation.
- Members noted that conditions must be functional and practical so that they serve the intended purpose.
- There was discussion around potential licence duration. The maximum duration of a licence under the *Fisheries Act* is nine years, however, a shorter duration may be considered and is at the discretion of the Minister or her delegate.
- DFO is in the early stages of engagement and will continue to work with existing advisory forums (SF AMAC and SAIAP) as the licence review progresses. Other DFO subject matter experts may attend future engagements as needed.
- DFO is not currently planning to remove licensed species from existing licences.
- DFO confirmed they are working closely with BC to ensure each tenure or DFO Licence is issued to a single entity, even if a portion of the tenure is subleased. It is the licence holder listed on the licence who is responsible to ensure the entire licensed area is compliant with the COL.

- Members noted that they would like DFO to communicate it's management goals for regulatory changes prior to meetings, and then use the SF AMAC to discuss options on best ways to meet goals.
- When considering new regulatory requirements, industry would like DFO to consider relative risk and the impacts to industry.

ACTION: At the upcoming SAIAP meeting, SF AMAC Members to identify regulatory gaps that they believe would benefit from improvements to the COL.

11. Round Table (All)

- There was a discussion on future meeting format - most members prefer in person meetings, however offering a hybrid option is helpful.
- It was suggested that the number of updates could be decreased in the agenda to allow more time for discussions that can lead to actionable outcomes.
- It was expressed that there is a lack of support for innovation in shellfish aquaculture, which is not seen in land farming or construction.
- It was suggested that a working group be formed to identify and seek solutions for key issues.

12. Adjourn

- Meeting adjourned at 4:00pm
- Next meeting TBD (Spring 2024)

13. Summary of Action Items

- SAIAP to discuss how DFO can better consider industry practical needs in policy and regulatory development within DFO's authority.
- AMD staff to follow-up with Science Branch for further information on the pause and future of ACRDP.
- DFO to prepare a digital card in recognition of Myron Roth.
- DFO will confirm with the licensing team as to how the single applicant mandate can be applied to First Nations and First Nation government applicants.
- DFO and BCSGA to explore submitting a session proposal for the AVICC AGM and Convention in April 2024. Note – session proposals are due December 5, 2023.
- At the upcoming SAIAP meeting, SF AMAC Members to identify regulatory gaps that they believe would benefit from improvements to the COL.

14. Summary of Recommendations

- Industry would like to continue to have updates on shellfish licence applications, including detailed statistics on the number of applications for new sites, reported to the AMAC in the future.
- Industry requested that DFO have further conversations with BCSGA on compliance that is being presented in the Shellfish Annual Report, specifically if it can include clarification on the relative risk of specific non-compliance issues using a sliding scale. They requested that the non-compliance status reporting indicate if it is major or minor non-compliance.
- Industry is concerned with increasing regulatory burden and decreasing industry stability. Industry is requesting that licence duration not be reduced to help provide stability and support innovation. Industry would appreciate more opportunities to provide feedback before any regulatory changes are put into place. It was also noted that licence conditions must be functional and practical so that they serve the intended purpose.

- Members noted that they would like DFO to communicate its management goals for regulatory changes prior to meetings, and then use the SF AMAC to discuss options on best ways to meet goals.
- When considering new regulatory requirements, industry would like DFO to consider relative risk and the impacts to industry.