

GENERAL TERMS CONCERNING THE HARVEST OF MARINE PLANTS IN BRITISH COLUMBIA

Fisheries Act (R.S.B.C.)

Harvesting of Kelp

- 24 (1) A person must not harvest kelp or other aquatic plants commercially in the waters of British Columbia unless the person holds a licence under this section and has paid the licence fee prescribed by the Lieutenant Governor in Council.
- (2) A holder of a licence under subsection (1) must pay to the government a royalty on all kelp and other aquatic plants harvested by the holder of the licence.
- (3) The royalty payable under subsection (2) may be prescribed by regulation by the Lieutenant Governor in Council.
- (4) A person must not operate a plant for treating, curing, drying or otherwise processing kelp or other aquatic plants in British Columbia unless the person hold a licence under this section and has paid the licence fee prescribed by the Lieutenant Governor in Council.
- (5) An application for a licence under this section must be made in writing to the minister on a form supplied by the minister.
- (6) On receipt of the application and the prescribed fee, the minister may issue the licence subject to conditions the minister may specify.
- (7) An application for a licence under this section must be made in writing to the minister on a form supplied by the minister and must indicate
- (a) the location of the area to be harvested or of the plant for which the licence is required,
 - (b) the name and address of the applicant, and
 - (c) other information as the minister requires.
- (8) Subject to terms specified in the permit, the minister or a person designated by the minister may grant a permit to any scientific or educational institution to harvest kelp or other aquatic plants at any time for scientific or experimental purposes without payment of a licence fee.
- (9) With the approval of the Lieutenant Governor in Council, the minister may make regulations the minister thinks advisable for regulating the production, harvesting and processing of kelp and other aquatic plants.
- (10) In addition to the powers that may be exercised by the minister under section 18, the minister may suspend, revoke or refuse to issue a licence under this section in the minister's opinion
- (a) the licensee has failed to comply with a condition of a licence, or
 - (b) the harvesting of kelp or other aquatic plants under the licence would
 - (i) tend to impair or destroy a bed or part of a bed on which kelp or other aquatic plants grow,
 - (ii) tend to impair or destroy the supply of any food for fish, or
 - (iii) be detrimental to fish life.

Fisheries Act Regulations

- 6 (1) Repealed. [B.C. Reg. 127/82, s. 2.]
- (2) A marine plant harvesting licence grants harvesting privileges for a group in a defined area, but no licence authorises the harvest of marine plants from foreshore leased for any other purpose.
- (3) The minister may determine the quantity of a specific marine plant group that may be harvested under each harvesting licence.
- (4) No person shall harvest marine plants except with equipment which meets the requirements of Schedule III to these regulations.
- (5) The minister may prescribe, in a harvesting licence, the manner in which the harvesting of any group or species of marine plant is carried out.
- (6) Every person engaged in harvesting marine plants shall ensure that all plants or portions thereof cut while harvesting are collected and removed at time of harvesting.
- (7) Where proper resource management dictates, the minister may order the suspension of marine plant harvesting in either the whole or any part or parts of an area for such period or periods as he deems necessary.
- (8) Every person who harvests marine plants shall keep an accurate written record of marine plants harvested monthly, and not later than the 10th day of each month following harvest shall submit a report to the minister in such form and containing such information as the minister may require. All records required by the regulations to be kept by a person harvesting marine plants shall be open at all times during business hours to inspection by an officer of the Marine Resources Branch.
- (9) Every person who harvests marine plants shall, immediately upon delivery to a marine plant processing establishment, enter into a book kept for the purpose the quantity and species of all marine plants harvested and the locality where harvest took place.
- (10) Every person who harvests marine plants shall pay to the Minister of Finance, not later than the 10th day of the month following harvest, a royalty on all marine plants harvested in accordance with Schedule II to these regulations.

Definitions:

"**kelp**" includes the species *Macrocystis integrifolia* and *Nereocystis luetkeana*;

"**marine plants**" includes all benthic and detached algae, kelp and other aquatic plants including marine flowering plants, brown algae, red algae, green algae and phytoplankton;

"**harvest**" includes cut, take, dredge, rake or otherwise obtain marine plants;

"**area**" means that part of the sea and intertidal foreshore in which the holder of a marine plant harvesting licence is granted harvesting privileges;

"**group**" means a specific group of marine plants as listed in Schedule I to these regulations;

"**ton**" means metric ton (2205 pounds).