

MINISTRY OF AGRICULTURE, FOOD AND FISHERIES

FINFISH AQUACULTURE LICENSING POLICIES AND PROCEDURES FOR APPLICATIONS

Created: August 31, 2000

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Note: This document is subject to regular review and revision.

1. Purpose

The purpose of the policy is to provide guidance to licensing authorities on the consideration of licences for the purposes of marine finfish aquaculture.

This policy is intended to assist in the exercise of discretion of the licensing authority and does not purport to alter any provisions of the *British Columbia Fisheries Act*, the *British Columbia Aquaculture Regulation*, or other relevant legislation.

2. Legislative and Regulatory Authority

British Columbia Fisheries Act

British Columbia Aquaculture Regulation

3. Decision-Makers

Minister of Agriculture, Food and Fisheries: Fisheries Act

Manager, Licensing and Compliance Branch: Delegated Authority

Senior Licensing Officer: Delegated Authority

Aquaculture Licensing Specialist: Delegated Authority

4. General Principles Governing the Exercise of Authority to Issue a Salmon Aquaculture Licence

- Fairness
- Transparency
- Efficiency
- Accountability

5. Application for Salmon Aquaculture Licence

5.1. Application form and information required

The applicant must complete a Commercial Finfish Aquaculture Management Plan (“Plan”). The Plan is the application form for an aquaculture licence and also, where required, a Crown land tenure.

The Plan is submitted to the Ministry of Agriculture, Food and Fisheries (MAFF).

MAFF may request further information that assists in the review and adjudication of the application.

5.2. Questions and Assistance

MAFF’s Aquaculture Development Branch will work with the applicant to provide any required assistance in completing the Plan.

6. Referrals

The Plan may be referred to other government departments and agencies for review and comment. These agencies may include the federal Department of Fisheries and Oceans, the BC Ministry of Aboriginal Affairs, the BC Ministry of Water, Land and Air Protection, Land and Water BC Inc., local governments, and other agencies and organizations as appropriate.

Where the application has a potential to impact a First Nation’s rights or interests, First Nations will be consulted in accordance with the applicable First Nations consultation protocols.

7. Public notice and consultation

Reasonable efforts will be made to notify affected parties and provide them with an opportunity to comment on the application.

MAFF may require the applicant to provide public notice of the proposed application in a manner that is acceptable.

8. Applicant's Response

The applicant will be provided with an opportunity to respond to any relevant material or information provided through the referral and public consultation process.

9. Decision

The Minister or delegated licensing authorities may, upon receipt of an application for a salmon aquaculture licence:

- issue a salmon aquaculture licence on terms and conditions that the Minister or licensing authority deems reasonable in the circumstances;
- deny the application; or
- decline to make a decision and refer the Plan back to the applicant for further information.

The applicant will be notified of the decision in writing, with reasons as appropriate.

10. Issuance of a Salmon Aquaculture Licence if in the Public Interest

Given that a salmon aquaculture licence confers a right to carry on the business of commercial aquaculture using a valuable public resource, a licence should only be issued if it is in the public interest to do so.

In deciding whether it is in the public interest to issue a salmon aquaculture licence, the licensing authority should consider the following paramount principles:

- Protection of public health and safety;
- Protection of the environment;
- Sustainable economic development.

11. Assessment of an Application for a Salmon Aquaculture Licence

In assessing an application, the licensing authority may consider any of the following:

11.1. Requirements of the *Fisheries Act and Aquaculture Regulation*

The licensing authority may consider whether the applicant has met all the requirements of the *Fisheries Act and Aquaculture Regulation*.

11.2. Completion of Forms

The Plan and any supporting documentation should be complete prior to the application being considered by the licensing authority.

11.3. Suitability of Site/Facilities for Proposed Aquaculture Operation

Based on the recommendations of Aquaculture Development Branch staff, the licensing authority should consider whether the proposed site has the biophysical capacity to support the proposed operation.

11.4. Past or Demonstrable Performance of Applicant

This may include a review of the following:

- Whether the operator has any previous convictions under the provincial *Fisheries Act, Aquaculture Regulation* or other relevant legislation;
- Whether the operator has been the subject of any aquaculture licence suspensions, cancellations or refusals to issue licences in accordance with Sections 18 or 19 of the *Fisheries Act*;
- Whether there are any outstanding Fisheries Act fees or royalties owed to the Crown in relation to any other aquaculture or commercial seafood licences currently or previously held by the applicant;
- The financial capacity and stability of the applicant to support the proposed operation, including liability insurance;
- That the applicant has appropriate and sufficient experience/qualifications in aquaculture operations.

11.5. Comments from Referrals

The licensing authority should consider the comments of all parties consulted in the referral process (refer to section 6, above).

11.6. Public Input/Comments

The licensing authority may consider the impact of the proposed operation on other uses, users and resources within the area of operation.

The licensing authority may consider the adequacy of public notice and public input.

The licensing authority may consider the nature and extent of local community support for the proposed operation.

11.7. Economic and Employment Benefits

The licensing authority may consider the significance of the contribution of the operation to the local and provincial economy. This may include an identification and review of the impact on secondary businesses and industries.

The licensing authority may consider whether the proposed operation will involve technological innovations or enhancements that may lead to improvements in the standards of operation for the salmon aquaculture industry.

11.8. Escape Prevention, Detection and Response

The licensing authority may consider the adequacy of the applicant's measures and plans regarding the prevention, detection and response to escapes of finfish.

11.9. Consultations with other individuals and agencies

The licensing authority may consult with other individuals or bodies as deemed appropriate. They may include:

- The Aquaculture Biologist, Aquaculture Development Branch, or equivalent;
- The Ministry of Agriculture, Food and Fisheries Fish Health Veterinarian.

11.10. Other Relevant Factors

The licensing authority may also consider any other factors relevant to the specific circumstances of each case.

12. Terms and Conditions of Licence

The licensing authority may issue a licence on terms and conditions deemed appropriate in the circumstances.

13. Reporting and Monitoring

MAFF Fisheries Inspectors will ensure compliance with the *Fisheries Act*, *Aquaculture Regulation*, and terms and conditions of the aquaculture licence through reporting and the conducting of regular inspections and other monitoring activities as appropriate, including spot audits.

Any noted activities of non-compliance will be reported to the Senior Licensing Officer.

Note: A pre-operation inspection by a MAFF Fisheries Inspector will be required for any new operation.

14. Renewal of Existing Licences

In considering renewal of an existing licence, the licensing authority may apply any or all of the policy as appropriate in the circumstances.

15. Suspension and Revocation

Licences may be suspended or revoked in accordance with section 18 of the *Fisheries Act*.