

From: AQSF / AQSF (DFO/MPO) <ShellfishAquaculture.XPAC@dfo-mpo.gc.ca>
Sent: Thursday, August 6, 2020 12:09 PM
To: Wil Cottingham; AQSF / AQSF (DFO/MPO)
Cc: Denman Island Local Trust Committee; ADIMS info; Lesley.Fettes@gov.bc.ca; john.mackie@tc.gc.ca; lawrence.kuan@tc.gc.ca; Roberta.dight@tc.gc.ca; Jordan.Wagner@gov.bc.ca; Kosmider, Gabrielle; Marrie, Christopher; Kaatz, Robert; Nichole.Prichard@gov.bc.ca
Subject: RE: Complaint from Denman Island LTC regarding DFO Aquaculture Licence Number 119203

Dear Sue and Wil,

Thank you for your email. The letter that you've submitted was carefully reviewed by DFO Conservation and Protection (C&P) and Transport Canada (TC) and they have both contributed to this response. We understand and appreciate your concern with Aquaculture Facility Number 1004, Landfile 1400036 located on Denman Island. Upon reviewing your concerns it appears that while you mention predator netting and debris, the main concern you are raising is pertaining to rafts drifting and being anchored off the tenure, which appears to be infrastructure located outside of the public viewable management plan, as well as potentially posing a navigational issue.

Responsibility for the regulation and licensing of aquaculture in British Columbia (BC) is shared by several provincial and federal agencies. DFO licenses the activity of aquaculture as a fishery, and our jurisdiction is limited to topics related to fish and fish habitat (e.g., proposed species for cultivation, production rates, rearing methods, fish health and marine habitat concerns). The DFO Conditions of Licence and other regulatory requirements for aquaculture operations, which licence holders must abide by, are monitored and enforced by DFO C&P fishery officers. Here is a link to the DFO Shellfish Aquaculture Conditions of Licence: <https://www.pac.dfo-mpo.gc.ca/aquaculture/licence-permis/index-eng.html#ov-conditions>. Land use and concerns related to navigation fall outside of DFO jurisdiction; these issues are addressed by the Province of British Columbia, TC, and local governments.

For clarity, as part of the harmonized aquaculture approach, our partner agencies generally deal with the following:

Transport Canada

- Impacts to navigation and placement of navigational markers.

Province of BC

- Proximity to Provincial Parks and reserve areas.
- Riparian rights.
- On and off-tenure activities.

DFO C&P recognizes and acknowledges the potential environmental impacts and compliance issues associated with the debris generated by the shellfish aquaculture industry in BC. As such, C&P has been engaged with stakeholders, First Nations, NGOs and industry, as part of working groups, attending shared forums and participating in annual Beach Clean-up events, prior to COVID-19. C&P was also involved in the development of the Shellfish Aquaculture Debris Strategy and executed subsequent aquaculture debris focussed inspections in 2018, in concert with the DFO Aquaculture Environmental Operations team.

DFO has recently become aware of issues regarding the traceability of shellfish product in British Columbia. Traceability refers to the department's ability to track product from harvest to plate. Due to human health risks associated with the consumption of contaminated bivalves, combined with the potential for significant socio-economic regional and national impacts, bivalve traceability is a current priority for Aquaculture C&P. As such, all current aquaculture C&P resources have been allocated to executing a Bivalve Traceability Action Plan. Having said this, if a clear violation of the shellfish aquaculture conditions of licence is observed, you are still encouraged to contact the Observe, Record, Report (ORR) Line 1-800-465-4336; <http://www.dfo-mpo.gc.ca/fm-gp/enf-loi/report-signaler-eng.htm>.

DFO also currently chairs an Aquaculture Management Advisory Committee (AMAC) bringing together members of government, industry, First Nations and Environmental Non-Governmental Organizations (ENGO) to address issues in aquaculture management. The advisory committee meets twice per year, and you are always welcome to engage by reaching out to your local government representative on the committee, in order to have your concerns brought forward. The representative of local government in your area is Daniel Arbour, Director with the Comox Valley Regional District (reachme@danielarbour.ca).

TC's Navigation Protection Program (NPP) is responsible for administering the *Canadian Navigable Waters Act* (CNWA) and its associated regulations and orders. Aquaculture works placed in the waterways of Canada can pose a hazard to navigation. Therefore, to mitigate any potential impacts on navigation safety, all works must be marked in accordance with the requirements of the Private Buoy Regulations made under the *Canada Shipping Act* and the conditions of approval under the CNWA. Marking site boundaries ensures that all navigational requirements are being met and increases navigational safety for other marine resource users in the area. Because of the nature of the working environment and oceanographic conditions, from time to time shellfish aquaculture gear including work floats and other equipment moves beyond its original position within the tenure area (and sometimes out of it). While the current work associated with Facility 1004 isn't currently located within its own tenure boundary, it doesn't pose an immediate navigation safety concern. NPP is committed to working with industry partners, marine users, and other government agencies to build a compliance program. This program would look at Baynes Sound as a whole rather than target specific worksites and would focus on developing stronger relations between the aquaculture community and those impacted by it. Please contact Lawrence Kuan with TC to express future concerns related to navigation lawrence.kuan@tc.gc.ca.

To express concerns related to the infrastructure that is located outside of the public viewable management plan, you may contact Nichole Prichard with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development at Nichole.Prichard@gov.bc.ca.

Sincerely,

Brittany Myhal

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From: Wil Cottingham <wcottingham@islandstrust.bc.ca>
Sent: Tuesday, June 16, 2020 1:54 PM
To: AQSF / AQSF (DFO/MPO) <ShellfishAquaculture.XPAC@dfo-mpo.gc.ca>
Cc: Denman Island Local Trust Committee <DenmanIslandLocalTrustCommittee@islandstrust.bc.ca>; ADIMS info <diconcerns@gmail.com>; Lesley.Fettes@gov.bc.ca; john.mackie@tc.gc.ca; lawrence.kuan@tc.gc.ca; Roberta.dight@tc.gc.ca
Subject: Complaint from Denman Island LTC regarding DFO Aquaculture Licence Number 119203

On behalf of Sue Ellen Fast, Chair of the Denman Island Local Trust Committee, please find attached a letter of complaint regarding DFO Aquaculture Licence Number 119203, BC Landfile Number 1400036, Denman Point, Denman Island, Baynes Sound.

Thank you,

Wil Cottingham

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Websites: www.islandstrust.bc.ca | www.islandstrustconservancy.ca
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