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January 14, 2021

File No.: 5020-20 Aquaculture-Shellfish

Via email: AquacultureConsultations.XMAR@dfo-mpo.gc.ca

Aquaculture Management Directorate
Fisheries and Oceans Canada
200 Kent St (10th floor)
Ottawa ON, K1A 0E6

Dear Directorate:

Re: Federal Aquaculture Act Consultation

On behalf of Islands Trust Council, please accept the following submission in response to Fisheries and Oceans Canada's (DFO's) request for input on the development of a new Federal Aquaculture Act and DFO's [Discussion Paper: A Canadian Aquaculture Act](#). We have highlighted some priority areas of concern with regards to reconciliation, environmental protection and enforcement.

Islands Trust Mandate to Preserve and Protect

Islands Trust is a special-purpose government and federation of twenty-six locally elected trustees holding a regional mandate to *"preserve and protect the unique environment and amenities of the Islands Trust Area for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia"* ([Islands Trust Act](#)). We work to fulfill this mandate primarily through sustainable land use planning and regulation, conservation, advocacy and education.

The Islands Trust Area is located within Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. Located in the islands and waters of the Salish Sea between the British Columbia mainland and southern Vancouver Island, the area encompasses 13 major and more than 450 smaller islands, covering 5,200 square kilometers. The Islands Trust Area is one of the most productive marine ecosystems in the world and includes the highest density of species at risk in Canada. The ecological significance and sensitivity of the region, and the need for protective measures, were internationally recognized in 1973.

Islands Trust's 13 local trust committees and Bowen Island Municipality have land use zoning authority for waters in the Islands Trust Area, and determine, through engagement with First Nations and island communities, the suitable location for aquaculture in the region.

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The Islands Trust Policy Statement

Section 4.5 of the [Islands Trust Policy Statement](#), approved by the BC Minister of Municipal Affairs in 1994, sets out several commitments of Trust Council pertaining to aquaculture, namely:

- It is Trust Council’s policy that aquaculture is a valuable activity in the Trust Area if compatible with the maintenance of ecosystems and community character.
- Trust Council holds that finfish farms should not be located in the marine waters of the Trust Area.
- It is the position of Trust Council that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.
- It is the position of Trust Council that development, activity, buildings or structures should not restrict public access to, from or along the marine shoreline.
- It is Trust Council’s policy that development should be directed to sites away from:
 - areas of environmental sensitivity, and
 - areas of naturally occurring stocks of clams or oysters.
- It is Trust Council’s policy that aquaculture should be directed to sites away from:
 - areas of recreational significance,
 - areas where an aquaculture operation would conflict with established or designated upland land uses, and
 - areas where an aquaculture operation would conflict with established or designated anchorage or moorage.

Please note that Islands Trust Council is currently in the process of updating the Policy Statement and will be introducing new and/or refined policies to better address reconciliation, climate change and affordable housing.

Reconciliation (Element 3)

Islands Trust acknowledges the treaty and territorial lands and waters of the First Nation governments who have jurisdiction within the Islands Trust area. We underscore the need for meaningful consultation with First Nations on the development of the new federal Aquaculture Act, particularly with regards to First Nations’ rights and title, access to harvesting sites, economic reconciliation, and the protection of cultural heritage. As the DFO Discussion Paper articulates, First Nations are seeking wider collaboration on numerous fronts in the sector and recognition of the articles of the United Nations Declaration on the Rights of Indigenous Peoples. In March 2019, Islands Trust Council passed a [Reconciliation Declaration](#) and is committed to upholding the principles embodied within the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the BC *Declaration on the Rights of Indigenous Peoples Act* (DRIPA); the Truth and Reconciliation Commission (TRC) Calls to Action; and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice.

Environmental Protection (Element 5)

In moving aquaculture out of the *Fisheries Act* into a separate federal Aquaculture Act, it is Islands Trust Council’s hope that existing environmental protections will be maintained and further enhanced to better protect aquatic ecosystems and species at risk. We would, in large part, echo the feedback outlined in the DFO 2019 [Engagement Summary Report](#) pertaining to the suitability of ecosystem-based approaches, “polluter-pays” financial mechanisms, the precautionary principle, and the inclusion of Indigenous knowledge and Indigenous knowledge systems to support sound evidence-based decision-making.

A Need for Stronger Monitoring and Enforcement (Element 6)

Islands Trust Council strongly supports a fuller range of enforcement tools and administrative measures to manage aquaculture activities, as proposed in the DFO Discussion Paper, and further requests that DFO

dedicate more resources to enforcement. Communities in the Trust Area continue to grapple with extraordinary amounts of plastic debris originating from shellfish aquaculture such as oyster trays, anti-predator netting, plastic fencing, plastic net bags, plastic floats, styrofoam floats for rafts, and thousands of pieces of rope. DFO's 2017 "Shellfish Aquaculture Debris Strategy and Action Plan" stated that between 2010 to 2015, inspections revealed that "over 50% of licenced sites in British Columbia have derelict or unmaintained gear and infrastructure, as well as improperly wrapped or exposed styrofoam". Despite existing regulations that licence holders shall not introduce aquaculture refuse into the environment, a lack of adequate penalties and proper enforcement is significantly compromising the health of ecosystems, the sustainability of the aquaculture industry, and the communities that are dependent upon both.

Thank you for your consideration of this submission. We look forward to working closely with Fisheries and Oceans Canada, along with First Nations, provincial authorities, aquaculture businesses and associations, and Trust Area residents, towards the goals of preserving and protecting the Islands Trust Area and fostering a more sustainable aquaculture industry in British Columbia.

Yours sincerely,



Peter Luckham

Chair, Islands Trust Council

pluckham@islandstrust.bc.ca

cc: Association for Denman Island Marine Stewards
Baynes Sound/Lambert Channel Ecosystem Forum
BC Shellfish Growers Association
BOKÉĆEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees) Nation
Lyackson First Nation
MÁLEXEL (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
shíshálh First Nation
Snuneymuxw First Nation
Sḵwḵwú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation

SḶÁUTW (Tsawout) First Nation
Stz'uminus First Nation
SXIMELEŁ (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tseil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
WJOLEŁP (Tsartlip) First Nation
WḶSIKEM (Tseycum) First Nation
x^wməθk^wəyəm Musqueam
First Nations Leadership Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Nanwakolas Council
Naut'sa mawt Tribal
Te'mexw Treaty Association
Bowen Island Municipal Council
Islands Trust Council
Islands Trust website

From: [Aquaculture \(DFO/MPO\)](#)
Sent: Thursday, January 14, 2021 5:19 PM
To: [Lori Foster](#)
Subject: Automatic reply: Submission from Islands Trust re: Aquaculture Act consultation

(la version en français suit)

Good day,

Thank you for contacting the Aquaculture Policy Directorate of Fisheries and Oceans Canada (DFO). We are committed to further enhancing various Canadian aquaculture initiatives. Your input will be carefully considered.

Thank you once again for your valuable time and input.

Sincerely,

Bonjour,

Merci d'avoir communiqué avec la Direction des politiques d'aquaculture de Pêches et Océans Canada (MPO). Nous sommes engagés à améliorer les diverses initiatives canadiennes en matière d'aquaculture. Votre contribution sera soigneusement examinée et prise en considération.

Merci encore une fois pour votre précieux temps et votre contribution.

Cordialement,

Aquaculture Policy Directorate | Direction générale des politiques de l'aquaculture

Strategic Policy | Politiques stratégiques

Fisheries and Oceans Canada | Pêches et Océans Canada

Government of Canada | Gouvernement du Canada

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<http://www.dfo-mpo.gc.ca/aquaculture/index-eng.htm>

<http://www.dfo-mpo.gc.ca/aquaculture/index-fra.htm>