

Briefing Note

To: First Nations Leadership Council
Date: September 3, 2020
RE: Aquaculture Act / Transition Plan for Open Net-Pen Fish Farm



Information

Summary

- Aquaculture development is an international component in the development of the **Blue Economy**. Canada has indicated that it is well positioned to engage in the development of aquaculture to provide marine protein to the world economy. The recently announced *Aquaculture Act* will assist in providing more clearly defined regulatory oversight and management of aquaculture operations.
- Since the Morton decision (2009) the federal approach for Pacific Aquaculture management has been fragmented at best. There has been no clear mechanism within government to address national aquaculture policy and/or regulations. The FNFC's role to date has been to both coordinate program engagement to those Nations participating in aquaculture ventures, and, to advance BC First Nations interests in the protection of wild salmon, both regionally at the ACC level and Nationally with AFN's NAWG.
- Last fiscal year the FNFC participated in the Indigenous and Multi stakeholder Advisory Board process. (IMAB) leading to the development of the proposed *Aquaculture Act* and, the Transition Plan (*The Plan*) for Open Net-Pen Fish Farms.
- The FNFC will be undertaking a significant policy dialogue plan over the next 18 months, focused on informing the proposed *Aquaculture Act* and Transition plan. Dialogues for development of the Act and Plan will be informed by broader policy and priorities that have been communicated by BC First Nations, as well as coordinated with the AFN's National Aquatic Working Group.

Issue

- **Aquaculture** includes many facets of fish production, spanning Freshwater, Shellfish, Finfish, & Plant based activities, more broadly, of importance, this also includes hatchery- based enhancement facilities in the aquaculture management oversight framework.
- With this in mind, a balanced approach is necessary when discussing aquaculture. While open net-pen fish farms and related impacts are certainly contributing stressors, to the decline of Pacific salmon stocks, other types of aquaculture operations support First Nations food sovereignty and economic opportunities.
- The intention of the proposed Aquaculture Act is to provide greater clarity towards aquaculture regulation and management. The Act will consolidate and develop a single set of aquaculture-specific regulations to improve transparency, regulation, and enforcement.
- It is important that BC First Nations are positioning themselves to be leading conversations and advancing First Nations interests to the forefront of the Aquaculture Act and the Transition Plan. As identified by the *All Chiefs Task Force recommendations (2010)*, wherein it was advised that,

BC First Nations need to avoid a fragmented voice, and build structures and process to coordinate coherent messaging.

Background

- Many BC First Nations own/operate and are partners in aquaculture operations including freshwater enhancements, shellfish operations, closed containment salmon farms, finfish operations, plant-based farms, etc. These are directly supporting First Nations food security and a source of economic opportunities for the nations. The value of these operations exceed \$5M to local FN economies annually in BC.
- Minister Jordan's mandate letter includes the development of an Aquaculture Act and the Transition Plan for Open Net-Pen Fish Farms by 2025. The Plan will inform actions to remove and transition facilities to land-based containment systems. Canada's commitment is to develop the Plan by 2025.
- *DFO is forming a National Strategic Oversight Committee (SOC) and Expert Working Group (EWG) to develop the proposed act and plan. Activities are anticipated to occur over the next 18 months.*

Analysis

- The role of the FNFC is to advance BC First Nations interests in the development of the proposed Act and the Plan. Development of the Aquaculture Act and the Plan should be informed by broader policy dialogues on how Pacific fisheries can be rebuilt, First Nations food security and food sovereignty protected, and the development of economic opportunities for First Nations.
- Canada views aquaculture as a key component of a Blue Economy to provide food and economic opportunities. Likewise, many BC First Nations see aquaculture as a means to protect food security, rebuild fish stocks, as well as an economic opportunity for their communities.
- *Open net-pen fish farm and sea lice are contributing factors to the decline of Pacific salmon stocks but not the only factor. The decline of Pacific salmon, Fraser and southern stocks in particular, is the culmination of decades of mismanagement, changing ocean conditions, habitat loss and degradation, changes in predator/prey dynamics, etc. (Please refer to accompanying Briefing Note on Status of Pacific salmon stocks)*
- Coherent messaging is essential to advance BC First Nations interests within the development of the *Aquaculture Act* and the Plan. Many regional BC First Nations fisheries organizations previously participated in a coordinated submission regarding the *Fisheries Act* amendments and a similar approach will be initiated.
- Aquaculture and salmon enhancement can contribute to a larger strategy to rebuild Pacific salmon stocks and Pacific fisheries. This will require re-positioning the First Nations Caucus to advance BC First Nations' interests at the international scale. US Tribes operate upwards of 25 hatcheries that generate 40+ million fish annually.

Actions Underway

- The FNFC's is engaging with DFO to plan out engagement activities on the development of the *Aquaculture Act* and the Transition Plan for Open Net-Pen Fish Farms. These activities will occur over the next 18 months.
- In addition to participation at DFO's SOC and EWG, FNFC is engaging with its Aquaculture Coordinating Committee and nationally at the AFN's National Aquatic Working Group. *This work will also be supported by the advice from the Indigenous Technical advisory network.*

- The FNFC will coordinate a *BC First Nations Coalition* to develop coherent recommendations towards the development of the Act and the Plan. The FNFC will work with the many regional BC First Nations fisheries organizations to speak in a united and coherent voice.
- FNFC is supporting research to investigate limiting factors at each stage of Pacific salmon's life cycle and identifying potential a comprehensive package of mitigation measures. This research will contribute towards a coherent strategy to rebuild Pacific salmon stocks.

Sea Lice/Cohen

- The 75 recommendations from Cohen and their subsequent status of implementation can best be described as either difference opinion, at worst the dereliction of fiduciary duty, in responding to a \$26M inquiry.
- Cohen recommendations 4-23 are based on the assumption that DFO would create an Associate RDG role. (mainly to oversee Cohens recommendations) This has not occurred – which left the responsibility for implementing any of the recommendations associated, - as predictably unfulfilled (which are mainly focused on fish farm recommendations)
- Exponential Sea lice increase is concerning, *DFO Farm license condition monitoring is an avenue that we should be pressuring from all fronts*. The simple response we should be pressuring or suggesting at a minimum is that C&P lay charges for failing to comply with conditions of License.

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