
NEWS RELEASE

For Immediate Release
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Jan. 28, 2010

Ministry of Agriculture and Lands

PROVINCE ANNOUNCES TRANSITIONAL POLICY FOR AQUACULTURE

VICTORIA – The Province has placed a moratorium on issuing new finfish aquaculture licences and will no longer be accepting new applications for shellfish aquaculture, following Tuesday’s B.C. Supreme Court ruling. The province will also negotiate the regulatory transfer of shellfish aquaculture to the federal government in addition to the transfer of finfish aquaculture currently underway, Agriculture and Lands Minister Steve Thomson announced today.

“The purpose of this moratorium is to both meet the spirit of the recent B.C. Supreme Court ruling while ensuring a smooth transition of aquaculture regulation to the federal government,” said Thomson. “Negotiating the regulatory transfer of shellfish in addition to the court ordered transfer of finfish aquaculture will ensure B.C.’s aquaculture industry has an efficient and unified regulatory system.”

On Tuesday the B.C. Supreme Court granted an extension to the transfer deadline for finfish aquaculture to federal regulation until Dec. 18, 2010. As part of this extension, the Court ordered a suspension on approvals of all new marine finfish licenses in B.C.

In addition, the Province is also announcing it will no longer be accepting new applications for shellfish aquaculture licenses and will only process those applications received prior to Jan. 26, 2010. Furthermore, the Province has announced its intention to negotiate the transfer of shellfish aquaculture regulation to the federal government. This decision will enable the federal government to become the single regulator for aquaculture, while the Province retains management over Crown land.

“By moving towards a transfer of shellfish aquaculture regulation, we are laying the foundation for a more efficient aquaculture management system,” said Thomson. “Our aim is to work with the federal government to create a streamlined aquaculture regulation that sustainably manages B.C.’s aquaculture sectors.”

In February 2009, the B.C. Supreme Court ruled that marine finfish aquaculture is a fishery and a matter of federal jurisdiction. The court directed the transfer of administration and regulatory control to the federal government.

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A backgrounder follows.

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BACKGROUND

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NEW FINFISH AND SHELLFISH POLICY

FINFISH POLICY

The Province is placing a moratorium on issuing new finfish aquaculture licences and tenures.

The Province will continue to process applications from existing licensees, on existing tenures, that do not result in an overall increase in annual production.

The Province will also continue to renew existing tenures according to established procedures for decision, as part of our obligation and duty under the B.C. Land Act.

As freshwater and non-tidal aquaculture are subject to further federal-provincial discussions, no restrictive actions are being taken on this sector at this time.

There are seven applications for new finfish sites currently being adjudicated that will be suspended as a result of this moratorium and the court decision.

SHELLFISH POLICY

The Province will continue to make decisions according to established procedures on shellfish applications that have been received before Jan. 26, 2010.

There are 42 applications for new shellfish sites that will continue to be adjudicated.

No applications for shellfish aquaculture received after Jan. 26, 2010 will be accepted.

Note: “Established procedures for decision” include biological, bio-physical and environmental assessment, referral to federal and provincial agencies and local government and potentially affected parties such as fishing organizations, marine carriers and First Nations consultation.

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