



Aquaculture Management Division
Pacific Region
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Nanaimo, British Columbia
V9S 5W8

Division de la gestion de l'aquaculture
Région du Pacifique
1965, voie Island Diesel
Nanaimo, C.-B.
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August 15, 2024

Dear Aquaculture Advisory Group Members, Stakeholders & Regulatory Partners,

Re: Consultation on Marine Shellfish Licence Reissuance and Conditions of Licence

This is to notify you that existing shellfish aquaculture licences expire on April 30, 2025, and licences with updated conditions will be considered for licence reissuance effective May 1, 2025.

DFO is contemplating proposed licence condition changes for this renewal related to: control of harvest for the Canadian Shellfish Sanitation Program; transfer of fish and aquatic invasive species; and protection of fish and fish habitat; and is also contemplating some administrative improvements. We invite your feedback on DFO's proposed licence changes, and any changes you propose. For your reference, attached is the "2025 Shellfish Aquaculture Licence Review & Reissuance Timeline", which includes an overview of engagement opportunities and key milestones.

Information received through consultations will be used to inform any potential changes to conditions with the goal of continued improvement in the management and regulation of the aquaculture industry in BC.

To support your review and feedback, please find attached to this letter a document entitled "*Summary of Contemplated Changes to 2025 Shellfish Conditions of Licence*". This document provides an overview of the contemplated changes to conditions of licence. In addition, please find linked a detailed [list](#) and a [map](#) of all currently licensed shellfish aquaculture facilities in BC, and current [shellfish aquaculture conditions of licence](#). Note that DFO conditions of licence are designed to ensure the proper management and control of the fishery and the conservation and protection of fish.

If you wish to discuss the shellfish licence review, please contact Amber Neuman, Senior Aquaculture Coordinator, at 250-618-1022 or amber.neuman@dfo-mpo.gc.ca.

Written feedback for this consultation may be directed to DFO.AQConsult-AQConsultez.MPO@dfo-mpo.gc.ca by **October 31, 2024**.



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Sincerely,

Reagan, Newcomb
A/Operations Director, Aquaculture Management Division

Attachments (2):

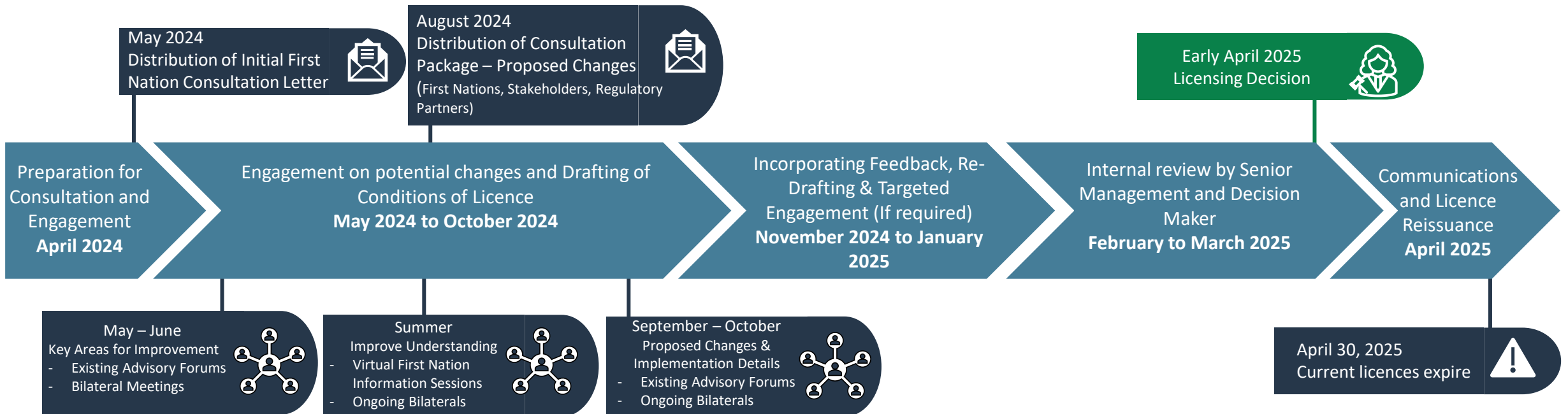
- *2025 Shellfish Aquaculture Licence Review & Reissuance Timeline*
- *Summary of Contemplated Changes to 2025 Shellfish Conditions of Licence*

Shellfish Aquaculture 2025 Licence Issuance

Process to Meet April 1, 2025, Decision Timeline

Background

This document outlines the key milestones to reach a decision on shellfish aquaculture licences by April 1, 2025.



Summary of Contemplated Changes to 2025 Shellfish Conditions of Licence

Fisheries and Oceans Canada (DFO) has started consultation and engagement in advance of the reissuance of 2025 Shellfish Conditions of Licence. The planned issuance for new conditions of licence is May 1, 2025. DFO may implement licence conditions for the proper management and control of fisheries, or for the conservation and protection of wild fish.

Current [marine shellfish aquaculture conditions of licence](#), expiring on April 30, 2025, are accessible on the DFO website.

Please direct any questions, comments, suggestions, or requests for follow-up conversations to: DFO.AQConsult-AQConsultez.MPO@dfo-mpo.gc.ca.

Summary of Contemplated Changes to General Conditions

Item #	Identified Gap or Concern	Contemplated Change
1.	There are terms not previously used or defined in the conditions of licence.	Add new definitions for: <ul style="list-style-type: none">• acoustic deterrent• floating surface culture gear• gear identification tag• growing waters• intertidal stream channel• oyster setting tubes• pinniped• salmonid bearing stream
2.	Some current definitions require updates for consistency with other regulations, clarity, and improved language.	Review and update definitions for: <ul style="list-style-type: none">• approved area• DFO• important and sensitive habitat• introduction• marine mammal• refuse• transfer• transport water
3.	Some current definitions are no longer relevant or are being replaced by other definitions.	Remove definitions for <ul style="list-style-type: none">• biofouling• fishery tag• salt marsh

Summary of Contemplated Changes to 2025 Shellfish Conditions of Licence

4.	Current conditions do not specify a date when payment of annual access to resource fees is required.	Require Licence Holders to pay access to resource fees annually no later than the anniversary date of the licence.
5.	Current conditions exclude reference to seals.	Update conditions that refer to individual species of pinnipeds (e.g., seal lions) to “all pinnipeds.”
6.	The implementation dates for multiple conditions in Part B. Section 9 have passed.	Remove reference to implementation dates in 2021 and 2023, and instead identify these conditions as required.
7.	The Canadian Food Inspection Agency has identified biotoxin monitoring constraints with Geoduck Clam and Giant Rock Scallop.	Remove Geoduck Clam and Giant Rock Scallop from select licensed facilities.
8.	Horse Clam, a bycatch species of Geoduck Clam, requires the same reporting and notification requirements. These requirements are not adequately captured under the current conditions.	Apply licence conditions applicable to Geoduck Clam (i.e. Part B. Section 3. Transfer of Fish, Part C. Section 3. General culture of geoduck, Appendix IX) to Horse Clam.
9.	Licence Holders have increased or moved infrastructure without applying through the harmonized application process, to those agencies with authority (Province of BC and Transport Canada).	Removal of Appendix II for standard equipment or infrastructure. Additionally, update Part B, Section 1.2 of the licence conditions to clarify when a harmonized application is required to amend the DFO facility management plan.

Summary of Contemplated Changes for the Control of Harvest

Item #	Identified Gap or Concern	Contemplated Change
10.	Harvested product has been discovered without harvest tags, which contributes to gaps in product traceability/control of harvest.	Require tags not be removed from any container until the harvested product has landed at a facility licensed by the Canadian Food Inspection Agency (CFIA).
11.	Current conditions do not specify that records and reports must be complete and accurate	Reports relating to aquaculture activities must be complete and accurate. This aligns with language used in the 2024 Freshwater/Land-based conditions of licence
12.	Current conditions do not include certain authorized product movement activities.	Add product movement activity codes to Part B. Section 15.3.
13.	Product movement records did not require recording of source culture type, which is needed to discern between culture types, where more than one exists on a single facility.	Add requirement for recording product movements to document culture type for source shellfish. This will result in an additional column for "source" in electronic recording of product movement records.
14.	There is no ongoing need to identify the CFIA facility licence number in product movement records, as this is extraneous data for DFO.	Remove requirement for this data.
15.	Industry has shared that the application and review process for addition of site-specific condition of licence for floating surface culture gear is administratively burdensome.	<ul style="list-style-type: none"> • Create a new condition for floating surface culture gear which would prohibit harvest or transfer of product from floating surface culture gear unless in possession of a valid <i>Management of Contaminated Fisheries Regulations</i> licence. • Consider other management approaches during engagement.

Summary of Contemplated Changes to Fish Transfer and Aquatic Invasive Species (AIS) Conditions

Item #	Identified Gap or Concern	Contemplated Change
16.	Industry has identified the need for clarity on requirements for shellfish transfers, including but not limited to Horse Clam and Pacific Oyster.	Update language in transfer conditions to better articulate requirements around transfers of adult bivalves, including those intended for broodstock purposes only.
17.	It was identified that Section 3 of the shellfish conditions of licence should be updated to align with the updated 2024 Freshwater/Land-based conditions on authorized movements between zones.	Update language in Part B. Section 3(c) conditions to clarify authorized movement of Pacific Oyster and Manila Clams between zones and permit additional movements with DFO approval through an Introduction and Transfer licence.
18.	It was identified that Section 3 of the shellfish conditions of licence does not include a condition identifying who should hold a valid Introduction and Transfer licence	Add a new condition outlining that the receiving facility shall possess a valid Introduction and Transfer licence, for any transfers requiring a licence. This would be consistent with the 2024 Freshwater/Land-based conditions of licence.
19.	It was identified that Section 3 of the shellfish conditions of licence, does not include a condition clarifying when a Licence Holder must possess a valid Introduction and Transfer licence a	Add a new condition confirming that Licence Holders must possess a valid Introductions and Transfers Licence unless otherwise authorized by these conditions of licence. This would be consistent with the 2024 Freshwater/Land-based conditions of licence.
20.	It was identified that Section 3.1 (e) of the shellfish conditions of licence should be updated to align with the updated 2024 Freshwater/Land-based condition regarding symptoms of disease or infections.	Update condition of licence in Section 3.1 (e) to clarify that Licence Holders must ensure that, prior to transfer, fish or shellfish do not display any observable symptoms of diseases or infections that are of concern to the BC Introductions and Transfer Committee.

Summary of Contemplated Changes to Fish and Fish Habitat Protection Conditions

Sorted by General Theme

<i>Facility Inspections and Gear Storage</i>		
Item #	Identified Gap or Concern	Contemplated Change
21.	Lack of maintenance and proper use and securing of gear continues to be an issue.	Strengthen requirements around inspections, i.e., frequency by culture type, maintenance of records, etc.
22.	Current conditions do not specify a date by which facility inspections are to be completed or differentiate by culture method.	Update Part B. Section 2. to clarify when facility inspections are required based on culture method or infrastructure type.
23.	Monitoring has shown that rafts used to store gear are more likely to generate debris on the seafloor.	Restrict the manner and location in which gear may be stored within both deepwater and intertidal licensed facilities.
<i>Gear Interactions with Wild Fish and Sensitive Habitat</i>		
Item #	Identified Gap or Concern	Contemplated Change
24.	Overlapping infrastructure makes the maintenance of predator netting difficult and poses a risk of fish entrapment, which is particularly problematic in important and sensitive habitat including salmon bearing streams.	Phase in two new conditions by September 2025: <ul style="list-style-type: none"> • No aquaculture infrastructure shall be installed within 75m of salmon bearing streams, including braided and seasonal flowing stream channels. • Licence Holder shall not install overlapping intertidal infrastructure.
25.	Predator netting is consistently found to be improperly secured.	Require that predator netting be secured tightly to the substrate around the netting perimeter.
26.	There is redundancy with a current condition requiring equipment to function as intended.	In condition 7.2, remove the need for regular cleaning of predator netting to minimize "biofouling".

Summary of Contemplated Changes to 2025 Shellfish Conditions of Licence

<i>Equipment Types, Identification, and Marine Mammals</i>		
Item #	Identified Gap or Concern	Contemplated Change
27.	French tubes are highly prone to becoming marine plastic debris.	Restricting the use of “French Tubes” or permit them to only under an approved management plan.
28.	Current condition outlining actions the Licence Holder must take upon discovery of an entangled marine mammal does not fully align with current marine mammal, shark, and sea turtle reporting guidelines.	Update condition to align with the <i>Species at Risk Act</i> and current DFO <i>Marine Mammal Regulations</i> guidance including incident reporting and mention of sharks and sea-turtles of concern.
29.	Current conditions do not clearly outline that new types of gear identification tags, besides existing commercial fishing ones, may be considered for approval.	Amend condition for equipment identification allowing innovation and ability for industry associations to submit additional tag types for DFO approval.
<i>Seafloor Surveys</i>		
Item #	Identified Gap or Concern	Contemplated Change
30.	Current condition does not specify a completion date for seafloor cleanups.	Require the annual sea floor clean-up be completed annually by April 1, unless otherwise authorized by DFO.
31.	Current conditions require gear and equipment found on seafloor be removed, potentially leading to confusion that gear actively being used must also be removed.	Update conditions to clarify the intent that only gear on the seafloor that is lost, not being actively used in the location it is found, and/or not serving a function be removed.
32.	Licence Holders have identified that Appendix VI provides limited options for survey technology to conduct seafloor surveys.	Update Appendix VI language to clarify that Licence Holders may use innovative survey methods and equipment to conduct seafloor surveys and clean-ups provided they are using scientifically defensible methods and equipment.
33.	DFO is unable to adequately audit seafloor survey and clean-up records without a detailed map being provided.	Create a new reporting criterion in Appendix VI which will require a facility area map which clearly shows the location of all completed survey transects.