



# *Aquaculture Act* and BC First Nations Engagement

**Brenda Gaertner, Mandell Pinder LLP**

**FNFC Annual General Assembly, November 2020**

# Aquaculture - Why?

- Canada views aquaculture as Canada's future for a sustainable Blue Economy to provide food and economic opportunities.
- First Nations operate and/or own various aquaculture operations including freshwater enhancements, shellfish operations, closed containment salmon farms, finfish, plant-based farms, etc. In some areas of BC First Nations have been using their territories historically for things that DFO considers aquaculture.
- The various types of aquaculture operations will need to be considered as part of the development of the new *Aquaculture Act*, as well as First Nations strategy as it pertains to aquaculture management in BC.





# Aquaculture Act -Why?

- The *Fisheries Act* is currently DFO's regulatory mechanism for aquaculture, but does not reflect the distinct needs of different types of aquaculture
- Federal/provincial management of aquaculture operations remains inconsistent, constrained by the lack of dedicated federal legislation and regulatory tools
- DFO's intention to consolidate all existing aquaculture provisions under separate regulations under the *Fisheries Act*—into a single set of aquaculture-specific regulations under the proposed *Aquaculture Act*
  - DFO public engagement: August 17, 2020 to January 15, 2021



# Aquaculture Act: Proposed Framework (DFO Discussion Paper)

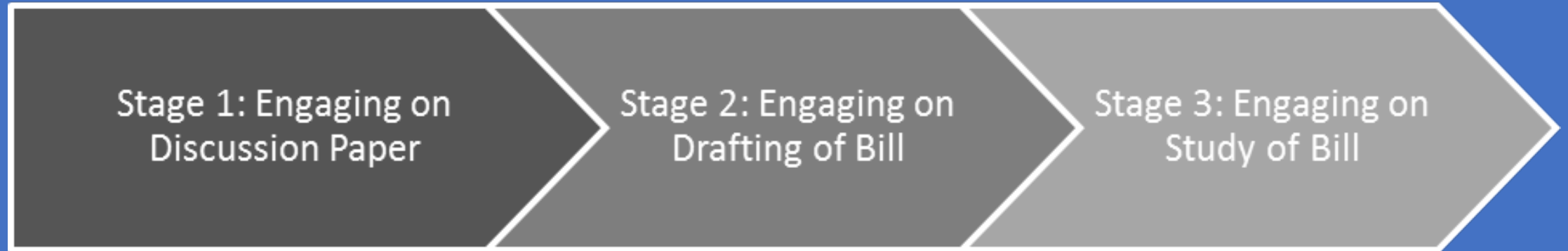
- Crown responsibility for leases and licenses is proposed to remain the same, which is specific to each region (e.g. In BC, the provincial government leases, and DFO licenses)
- Opportunities: new licensing regimes for new species, locations, and methods
- Elements of reconciliation, cooperation, public transparency to mirror the *Fisheries Act*
  - Minister can enter agreements, including co-management agreements, “consideration” of any decision on rights outlined in Sect 35 of the Constitution
  - Allowing for ‘area-based’ management, defined ecologically or socially, allowing recommendations from within those units to provide recommendations to the minister
  - Maintain ‘or enhance’ environmental prohibitions outlined in the Fisheries Act
  - Have requirements for public reporting, potential for a public registry for decisions, reports, and data
- Articulation of enforcement tools (tickets, monetary penalty system, inspection directors, and alternative measure resolution, judicial prosecution)
- Adding aquaculture-specific regulations that are missing currently from the *Fisheries Act*, that can reference technical documents that can be updated without the Act being amended

# *Aquaculture Act*- Engagement

- BC First Nations have an important role to play in the development of a federal *Aquaculture Act* – there are many types of Aquaculture and reconciliation requires First Nations be in the driver’s seat for new fisheries in their territories
- FNFC is seeking to build on past “coalition of the willing” approach followed in engagement on amendments to the *Fisheries Act*
- Planning for three stages of engagement throughout 2020-2021 beginning with written submissions to DFO, followed by participation in collaborative drafting of the Bill and then submissions to the House and Senate once the Bill is introduced



# Aquaculture Act - Engagement



- Tier 1 workshops and meetings with BC First Nation representatives and technical staff as necessary to obtain advice and input into detailed FNFC submission to DFO
- Document review and research by legal counsel for preparation of detailed FNFC submission to DFO
- Preparation and finalization of detailed FNFC submission to DFO by legal counsel based upon Tier 1 engagement and client instructions
- Tier 2 meetings as necessary to establish stage 2 engagement process
- Tier 2 meetings with DFO for collaborative development and drafting of the Bill based upon consideration of FNFC's submission and public comments from relevant stakeholders
- Tier 1 workshops and meetings with BC First Nation representatives and technical staff as necessary to obtain advice and input to support FNFC in the collaborative development and drafting of the Bill
- Document review and research by legal counsel to support FNFC in the collaborative development and drafting of the Bill
- Tier 1 workshops and meetings with BC First Nation representatives and technical staff as necessary to obtain advice and input to support FNFC in providing written and/or oral submissions to the House of Commons and Senate committees that may study and debate the Bill in Parliament
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