
NEWS RELEASE

For Immediate Release
2013AGRI0018-000570
March 22, 2013

Ministry of Agriculture

B.C. responds to Cohen Commission recommendations

VICTORIA – The B.C. government has accepted the intent of each of the eight Cohen Commission recommendations that directly reference the Province.

In addition, the B.C. government’s response notes the Province has no intention of issuing any new tenure agreements for net-pen salmon farms in the Discovery Islands until Sept. 30, 2020.

The B.C. government accepted, or accepted the intent of recommendations regarding various aspects of riparian area management and compliance and enforcement, the Water Act, marine habitat spill response, agriculture and forestry pesticide record keeping, and that the monitoring of industrial and wastewater management includes consideration for sockeye salmon.

Each of the recommendations and the B.C. government’s response is included in the following backgrounder.

On Oct. 31, 2012, the final report of the Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River was made publically available. The report includes 75 recommendations regarding the policies, practices and procedures of the federal government’s Fisheries and Oceans Canada, eight of which directly or indirectly reference the Province of British Columbia.

The Pacific salmon was recently declared the provincial fish emblem to recognize the high ecological, cultural and economic significance of the Pacific salmon to British Columbians.

Quote:

Norm Letnick, Minister of Agriculture –

“These responses support the B.C. government’s commitment to the ecologically responsible management of B.C. fisheries, including an environmentally and economically sustainable aquaculture industry that benefits all British Columbians.”

Learn More:

- The website of the Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River: <http://www.cohencommission.ca>

A backgrounder follows.

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BACKGROUND

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Recommendation with indirect reference to British Columbia

Recommendation 14

Beginning immediately and continuing until at least September 30, 2020, Fisheries and Oceans Canada should ensure that; the maximum duration of any licence issued under the Pacific Aquaculture Regulations for a net-pen salmon farm in the Discovery Islands (fish health sub-zone 3-2) does not exceed one year; Fisheries and Oceans Canada does not issue new licences for net-pen salmon farms in the Discovery Islands (fish health sub-zone 3-2); and Fisheries and Oceans Canada does not permit increases in production at any existing net-pen salmon farm in the Discovery Islands (fish health sub-zone 3-2).

BC Response: Accept intent of the Recommendation.

The Province of British Columbia has no intention of issuing any further or expanded tenures for net-pen salmon farms in the Discovery Islands until at least September 30, 2020. The Province of British Columbia will continue to consider applications to amend the boundaries of existing net-pen salmon farms for purposes other than for increasing production. The Province will work with Fisheries and Oceans Canada, and with industry and First Nations to implement the intent of this recommendation.

Recommendations with direct references to British Columbia

Recommendation 43

Fisheries and Oceans Canada should encourage the Province of British Columbia to resolve differences of interpretation on the application of section 9 of the provincial Water Act and the provincial Riparian Areas Regulation to ensure that there are no gaps in coverage.

BC Response: Accept intent of the Recommendation.

The Riparian Areas Regulation definition of 'High Water Mark' is not always coincident with the definition of 'Natural Boundary' in the Water Act and Land Act. Although the Province does not believe that there is a physical gap in coverage of the Water Act and the Riparian Areas Regulation, the Province is examining this concern during a review of the legislation.

Recommendation 44

Fisheries and Oceans Canada should encourage the Province of British Columbia to continue to monitor compliance with the provincial Riparian Areas Regulation; to conduct effectiveness monitoring of projects completed in compliance with the Riparian Areas Regulation; and to consider Fisheries and Oceans Canada's input into the impact of Riparian Areas Regulation setback variances on fish and fish habitat.

BC Response: Accept intent of the Recommendation.

The Province is currently conducting compliance monitoring of projects. The inter-governmental cooperation agreement between the Province, the Union of British Columbia Municipalities, and Fisheries and Oceans Canada creates obligations for Fisheries and Oceans Canada in compliance and effectiveness monitoring. The Province expects that Fisheries and Oceans Canada will continue to meet their obligations in support of provincial initiatives. Any recommendations made by Fisheries and Oceans Canada with respect to setbacks need to be consistent with the agreement.

Recommendation 45

Fisheries and Oceans Canada should work with the Province of British Columbia to achieve the Riparian Areas Regulation target of 90 per cent compliance with 90 per cent confidence levels.

BC Response: Accept Recommendation as written.

The compliance target or benchmark agreed upon by the Province and Fisheries and Oceans Canada is to achieve 90 per cent compliance with 90 per cent confidence. As above, the inter-governmental cooperation agreement signed by Fisheries and Oceans Canada creates obligations for Fisheries and Oceans Canada in compliance and effectiveness monitoring.

Recommendation 46

Fisheries and Oceans Canada should encourage the Province of British Columbia to amend the Riparian Areas Regulation: to require provincial approval of setback variances; and to require local governments to enforce compliance with the assessment reports on which development proposals are approved.

BC Response: Accept intent of the Recommendation.

Variance approval is an obligation that Fisheries and Oceans Canada has agreed to in the inter-governmental cooperation agreement. The Province has included mechanisms in the various Riparian Areas Regulation implementation tools for Fisheries and Oceans to meet these obligations. Where a variance results in an impact to fish habitat only the Minister of Fisheries and Oceans or a regulation under the Fisheries Act (Canada) can authorize that impact. The Riparian Areas Regulation currently requires local government use their tools to protect riparian fish habitat and to accomplish this local government can enforce their bylaws.

Recommendation 47

Fisheries and Oceans Canada should encourage the Province of British Columbia to complete modernization of the Water Act, which would include: regulation of groundwater extraction in a manner that addresses the needs of Fraser River sockeye; increased reporting and monitoring of water use; and allocation of sufficient resources to complete the modernization process.

BC Response: Accept intent of the Recommendation.

The Province is developing a new Water Sustainability Act that will update and replace the current Water Act. Introduction of the new Act is planned for 2014.

The inclusion of groundwater regulation and requirements for monitoring and reporting of water are already important commitments in British Columbia's Living Water Smart plan and are key policies of the proposed new Water Sustainability Act. An analysis of implementation options and delivery costs associated with the-proposed legislation is currently underway.

Recommendation 52

Fisheries and Oceans Canada should identify an individual with regional responsibility to act as a liaison with the Canadian Coast Guard, Environment Canada, and the Province of British Columbia on marine habitat spill response.

BC Response: Accept Recommendation as written. The Province agrees this would improve decision making in spill response.

Recommendation 54

Fisheries and Oceans Canada should encourage the Province of British Columbia to require users of pesticides in forestry and agriculture to record, and report annually to the Province, the areas where pesticides were applied and the amounts used; and to develop and maintain a pesticide-use database that includes information on location, volume/concentration, and timing of use, and make that information publicly available.

BC Response: Accept intent of the Recommendation.

Health Canada sets use requirements for all pesticides on the labels for protection of people and the environment. Proper use of pesticides is the best method to prevent impacts to the environment. The Province requires authorizations for pesticide use on public land, specific industrial uses (including forestry), pesticide application services, and the sale of pesticide. The Province also administers the certification system for individual pesticide applicators. Authorization holders are required to report annually on the total amount of each pesticide used or sold. The locations of the pesticides used must be recorded and maintained for three years. Any pesticide service business that applies pesticides for agriculture operations must be licensed and would be required to report total pesticides used.

Recommendation 55

Fisheries and Oceans Canada and Environment Canada should co-operatively ensure that environmental quality monitoring and environmental effects monitoring related to pulp and paper, metal mining, and municipal wastewater discharges include consideration of Fraser River sockeye salmon, and the two federal departments should work with the Province of British Columbia and with regional and municipal governments to that end; work with British Columbia municipalities on a public education campaign.

BC Response: Accept intent of the Recommendation.

The Province and the Federal Government will need to work co-operatively to avoid regulatory and administrative duplication and to secure resourcing for monitoring. The Province supports public reporting and education with respect to source control, environmental effects monitoring, toxics and other areas. The Province supports a joint effort in source control to limit the discharge of emerging contaminants to the wastewater systems.

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