



Federal and Provincial Legislation and Responsibilities in the Management of Marine Finfish Aquaculture Operations in New Brunswick



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<p>ENVIRONMENT CANADA</p> <p>Environment Canada is responsible for the administration of federal environmental laws, with a focus on pollution prevention and wildlife conservation.</p> <p><i>Fisheries Act</i></p> <p>Pollution Prevention Provisions</p> <p>Prohibits the deposit of remains or offal of fish or marine animals on the shore, beach or bank of any water or on the beach between the high and low water marks, or leaving decayed or decaying fish in any net or other fishing apparatus.</p> <p>Prohibits the deposition of deleterious substances into waters frequented by fish.</p> <p><i>Migratory Birds Convention Act</i></p> <p>Migratory birds, their nests, eggs, and young are protected.</p> <p>The <i>Migratory Birds Convention Act</i> states that “no person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area” (s.5.1(1))”.</p> <p><i>Species at Risk Act</i></p> <p>Environment Canada is responsible for the legislation for all species at risk except marine aquatic species which are the responsibility of Fisheries and Oceans Canada.</p> <p>The Act prohibits the killing, harming, harassment, capture, taking, possession, collection, buy, trade and sale of species at risk, or parts thereof, protected by the Act.</p> <p>The Act prohibits the destruction or damage of the residence, for example the nest or den, of a protected species.</p>	<ul style="list-style-type: none"> • Promotes pollution prevention and sustainable management practices, including provisions for contingency planning, to ensure that water quality is maintained for healthy ecosystems. • Sustainable siting is to ensure that migratory birds are not killed, harmed or harassed as result of activities associated with marine finfish aquaculture facilities. • The Canadian Wildlife Service will only issue a <u>Scare Permit</u> if certain conditions are satisfied including the incorporation of adequate avoidance strategies into aquaculture facility siting and operational planning. • Sustainable siting is to ensure that species at risk, are not killed, harmed or harassed as result of activities associated with marine finfish aquaculture facilities.

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<p><i>Canadian Environmental Protection Act (1999)</i></p> <p>The goal of the <i>Canadian Environmental Protection Act (CEPA)</i> is to contribute to sustainable development through pollution prevention and to protect the environment, human life and health from the risks associated with toxic substances. CEPA also recognizes the contribution of pollution prevention and the management and control of toxic substances and hazardous waste in reducing threats to Canada's ecosystems and biological diversity.</p> <p>Disposal at Sea Regulations: Substances listed in the Act may be permitted for disposal at sea, including dredged material, fisheries waste, ships, inert matter, uncontaminated organic matter and bulky substances.</p> <p>New Substances Notification Regulations (Chemicals and Polymers) and New Substance Notification Regulations (Organisms) specify the notification requirements for substances not listed on the Domestic Substance List (DSL). The DSL includes chemicals, polymers, microorganisms and organisms that were in Canadian commerce between 1984 - 1986 and is used to determine if a substance is 'new'. More information can be found at: http://www.ec.gc.ca/substances/</p> <p>Chemical Management Plan: Existing chemical substances on the DSL have been reviewed to identify those with potential environmental and human health impacts. The results of this evaluation, as well as ongoing activities to assess and manage these chemical substances can be found on the Chemical Substances Portal http://www.chemicalsubstanceschimiques.gc.ca/en/</p>	<ul style="list-style-type: none"> • Toxic substances listed under the Act may be controlled and regulated. A substance is toxic if it is entering or may enter the environment in a quantity or concentration or under conditions that may have a harmful or dangerous effect on the environment or its biological diversity or on human life/health. • A <u>Disposal at Sea permit</u> is required for activities involving the disposal of fish waste and offal, mortalities, and/or bloodwater on site or at sea. Harrowing to manage fish waste accumulation beneath the cage site also requires a Permit. • As required in the Regulations, the import or manufacture of substances not listed on the DSL (e.g. chemicals, genetically-modified organisms, etc) must be notified to Environment Canada. Aquaculture facilities should be aware of all substances used on-site and determine the applicability of the Regulations.
<p>FISHERIES AND OCEANS CANADA</p> <p><i>Fisheries Act</i></p> <p>Fish Habitat Protection Provisions</p> <p>Prohibits the harmful alteration, disruption or destruction (HADD) of fish habitat.</p> <p>Fishery (General) Regulations</p> <p>Introduction of live fish into fish habitat after consideration of:</p>	<ul style="list-style-type: none"> • Accumulation of organic matter (feed and feces) on benthic fish habitat thereby affecting its productive capacity. • An <u>Introductions Transfers License</u> is required for all transfers of fish into marine finfish aquaculture facilities. Requirements include monitoring and reporting of

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<p>1. proper management and control of fisheries; 2. presence of disease and disease agents; 3. effects on wild fish stocks and genetic integrity thereof.</p> <p>Marine Mammal Regulations Management and control of marine mammals</p> <p>Fish Health Protection Regulations Management and protection of wild fish health</p> <p><i>Species at Risk Act</i> See the description in the Environment Canada section above. Fisheries and Oceans Canada is responsible for all marine aquatic species at risk. Website: http://www.mar.dfo-mpo.gc.ca/e/homepg.htm</p>	<p>escapes, fish health certification and maintenance of environmental quality indicators such as benthic monitoring program.</p> <ul style="list-style-type: none"> • Sustainable siting is to ensure that marine mammals are not killed, harmed or harassed as a result of activities associated with marine finfish aquaculture facilities. • Introduction of smolts, escape management and reporting and effective farmed fish health surveillance programs. The Fish Health Protection Regulations is designed to ensure proper health testing of fish prior to movements into Canada or across provincial boundaries. • Sustainable siting is to ensure that Species at Risk are not killed, harmed or harassed, nor is their habitat destroyed or damaged as result of activities associated with marine finfish aquaculture facilities.
<p>PEST MANAGEMENT REGULATORY AGENCY</p> <p><i>Pest Control Products Act</i> The agency administers the <i>Pest Control Products Act</i> for the federal Minister of Health. The Act regulates the use of substances that claim to have a pest control use.</p> <p>Pesticides must be registered before they can be imported, manufactured, sold or used in Canada. Pesticides can only be used for the pests and treatment areas listed on the label, and used according to the label directions.</p> <p>Website: http://www.pmra-arla.gc.ca/</p>	<ul style="list-style-type: none"> • Minimize environmental impact and attain compliance to Pest Control Products Regulations by use of registered pesticides according to label directions.
<p>CANADIAN FOOD INSPECTION AGENCY</p> <p><i>Canadian Food Inspection Agency Act</i> Under the <i>Canadian Food Inspection Agency Act</i>, the Canadian Food Inspection Agency is responsible for the administration and/or enforcement of all federal legislation related to food inspection, agricultural inputs and animal and plant health.</p> <p><i>Feeds Act & Regulations</i> Using the authority of the federal <i>Feeds Act</i>, the Canadian Food Inspection Agency administers a national livestock feed program to verify that livestock feeds manufactured and sold in Canada or imported into Canada are safe, effective and are labelled appropriately. Livestock is defined by the <i>Feeds Act</i> and includes horses, cattle, sheep, goat, swine, foxes, fish, mink, rabbits and poultry.</p> <p>Website: http://www.inspection.gc.ca/</p>	<ul style="list-style-type: none"> • To ensure compliance with the <i>Feed Act</i> and Regulations, feeds for non-salmonid aquaculture species of fish are required to be registered by the National Feed Program to ensure that the standards for safety and usefulness are being met and that the labelling meets the regulatory requirements. All complete feeds imported into Canada also require registration.

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<p>TRANSPORT CANADA</p> <p><i>Navigable Waters Protection Act</i></p> <p>The <i>Navigable Waters Protection Act</i> (NWPA) is a Federal statute designed to protect the public right of navigation in the waters of Canada. Any “work” built or placed in any navigable waterway in Canada requires an approval. The Act is administered by the Navigable Waters Protection Program (NWPP) of Transport Canada (TC).</p> <p>For Aquaculture sites, applications pursuant to the NWPA are routed to TC via the regulatory body in place for the Province where the site is to be placed and maintained. Applications for all other “works” are to be made directly to the NWPP.</p> <p>National Web Site: http://www.tc.gc.ca/marinesafety/oep/nwpp/menu.htm</p> <p><i>Canadian Environmental Assessment Act</i></p> <p>Because these “works” require approval under <i>Navigable Waters Protection Act</i> (NWPA), an environmental assessment (EA) under the <i>Canadian Environmental Assessment Act</i> (CEAA) is required prior to NWPA approval. Transport Canada Environmental Affairs is responsible for completing the EA for these works.</p> <p>Websites for <i>Canadian Environmental Assessment Act</i> and Regulations: http://www.ceaa-acee.gc.ca</p>	<ul style="list-style-type: none"> • A “work” includes any “bridge, boom, dam, wharf, dock, pier, tunnel or pipe, overhead or underwater cable or wire”, or any other structure that may interfere with navigation. A “work” would include cages for fish, suspended lines for shellfish, floating bags or racks for oysters, or other devices used for mariculture, attached to the bottom, or in the water column. • All NWPA approvals are based on the plans of the “work”. Plans must include the appropriate dimensions and distances. It is incumbent on the owner to keep the “work” in compliance with the approved plans and conditions at all times. By regulation, aquaculture “works” are approved for a given period of time. • The <i>Canadian Environmental Assessment Act</i> (CEAA) requires that certain NWPA authorizations undergo an Environmental Assessment. • An EA Screening report decides whether or not the work or activity will cause adverse significant environmental effects. If the project is approved as presented, the EA may also set out mitigation measures, follow-up plans, and/or best management practices that must be implemented by the proponent in order to avoid, eliminate or minimize the impact of the work on the environment. The work is assessed as it relates to navigation, and may include other valued ecosystem components such as fish and fish habitat.
<p>NEW BRUNSWICK DEPARTMENT OF AGRICULTURE AND AQUACULTURE (NBDAA)</p> <p><i>Aquaculture Act and Regulations</i></p> <p>The New Brunswick Department of Agriculture and Aquaculture is responsible for the leasing, licensing and fish health issues for aquaculture produce, i.e. aquatic plants and animals raised by aquaculture. The Act and Regulations provide the legal framework for the development of aquaculture in New Brunswick.</p> <p>As noted above, the major areas being regulated are leasing, licensing and fish health.</p>	<ul style="list-style-type: none"> • The review and approval of marine aquaculture sites is controlled through the NBDAA. The lease designates a parcel of submerged Crown land which can be used for aquaculture purposes. The license outlines the species to be cultured and any terms and conditions the license holder must operate under. • Control of the spread of disease, disease agents, parasites, toxins or contaminants, within the site or from one site to another, is of paramount importance.

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<p>Web sites for the <i>Aquaculture Act</i> and Regulations:</p> <p>http://www.gnb.ca/0062/PDF-acts/a-09-2.pdf http://www.gnb.ca/0062/PDF-regs/91-158.pdf</p>	<p>Under the Act, the Minister has the ability to direct depopulations, designate fallow periods, and decide when restocking can occur in the control and management of fish health.</p> <ul style="list-style-type: none"> • Fish health monitoring and surveillance are critical to ensuring healthy stocks within the aquaculture industry. Proper testing must be completed prior to movement of stocks. • All structures must remain on the site to ensure that the structures do not impose hazards to navigation or cause debris problems on the water or adjoining land.
<p>NEW BRUNSWICK DEPARTMENT OF THE ENVIRONMENT</p> <p><i>Clean Environment Act</i></p> <p>Water Quality Regulation</p> <p>No person shall, without an approval, cause or permit a source to emit, discharge, deposit, leave or throw any contaminant into or upon the environment in any location such that it may, directly or indirectly, cause water pollution to any waters of the Province.</p> <p>Websites for <i>Clean Environment Act</i> and Regulations:</p> <p>http://www.gnb.ca/0062/PDF-acts/c-06.pdf http://www.gnb.ca/0062/PDF-regs/82-126.pdf</p>	<ul style="list-style-type: none"> • A <u>Certificate of Approval</u> sets out conditions with which the aquaculture site must comply including an environmental monitoring program for the protection of the benthic environment against organic loading, record keeping and reporting requirements, waste management, noise control and chemical storage and handling.



Environment
Canada

Environnement
Canada



Fisheries and Oceans
Canada

Pêches et Océans
Canada



Canadian Food
Inspection Agency

Agence canadienne
d'inspection des aliments



Transport
Canada

Transports
Canada



For more information on industry best management practices which address the above listed environmental concerns please contact:
New Brunswick Salmon Growers Association - PO Box 1054, 107 Mt. Pleasant Rd., St. George, NB E5C 3S9 ~ Tel: 506-755-3526 ~ Fax: 506-755-6237 or on the internet: <http://www.nbsga.com/>

For general inquiries on federal environmental legislation contact the Department of Justice at: (613) 957-4222 or fax (613) 954-0811 or on the internet: <http://laws.justice.gc.ca>

For general inquiries on New Brunswick environmental legislation contact New Brunswick Justice and Attorney General at: (506) 453-2583 or on the internet: <http://www.gnb.ca/0062/acts/index-e.asp>

All Environmental Emergencies should be reported by contacting: 1-800-565-1633