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Fisheries Act

AQUACULTURE REGULATION

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Interpretation

1 In this regulation:

"**Act**" means the *Fisheries Act*;

"**aquaculture licence**" means a licence referred to in section 13 (5) of the Act;

"**aquaculture facility**" means an establishment where the business of aquaculture is carried on;

"**attachment structure**" means mollusc shell, rope, netting, tubing or other structures provided as substrate for the attachment of aquatic plants and fish for purposes of aquaculture;

"**bag cage**" means an enclosure in a marine or lake environment

(a) made of material impermeable to water, and

(b) used to contain fish;

"cage support system" means a floating infrastructure and anchoring system that supports net cages, bag cages and ancillary equipment;

"containment structure" means cage support systems, net cages, bag cages, tanks, troughs, raceways, natural or man made ponds, trays or other structures used to contain aquatic plants or fish for purposes of aquaculture;

"drug" means a drug as defined in the *Pharmacists, Pharmacy Operations and Drug Scheduling Act* or the *Food and Drugs Act* (Canada);

"finfish" means fish of the classes Agnatha, Chondrichthyes or Osteichthyes grown by a holder;

"holder" means the person to whom an aquaculture licence is issued;

"manager" means the manager of aquaculture in the minister's ministry;

"net cage" means net enclosures used to contain fish.

Dealing in fish or aquatic plants

2 (1) A person must not possess, buy, sell, introduce into British Columbia or transplant within British Columbia fish or aquatic plants for the purpose of carrying on the business of aquaculture unless the person is a holder or is acting on behalf of a holder.

(2) Subsection (1) does not prevent a person who has taken the fish or aquatic plants as collateral for a loan from seizing or disposing of the fish or aquatic plants or otherwise realizing on the person's interest in the fish or aquatic plants to satisfy the obligations secured by them.

Release and escape

3 (1) A person must not release aquatic plants or fish, or cause, authorize or allow the release of aquatic plants or fish, to fresh or tidal waters from an aquaculture facility or from a containment structure or an attachment structure in an aquaculture facility unless authorized to do this by an aquaculture licence.

(2) A holder must take reasonable precautions to prevent the escape of aquatic plants and fish from the holder's aquaculture facility and from a containment structure or an attachment structure in the aquaculture facility.

(3) A holder must take all reasonable measures to control, mitigate, remedy and confine the effects of an escape or a suspected escape of aquatic plants or fish from the holder's aquaculture facility.

(4) Reasonable precautions and reasonable measures under subsection (2) and (3) in the case of a marine finfish aquaculture facility must include compliance with the standards of practice in Appendix 2 of this regulation.

Reporting escape

4 (1) The holder, or a person acting on behalf of the holder, who discovers an escape or evidence suggesting an escape of finfish from an attachment structure or a containment structure in the holder's aquaculture facility must report the escape or

evidence to the manager

- (a) verbally, within 24 hours of the discovery, and
- (b) in writing, within one week of the discovery.

(2) A written report under subsection (1) (b) must include:

- (a) the date, estimated time and location of the escape or suspected escape,
- (b) the species of finfish that escaped or may have escaped,
- (c) the estimated number of finfish that escaped or may have escaped,
- (d) the cause or suspected cause of the escape or suspected escape,
- (e) the calendar year in which the finfish were stocked at the aquaculture facility,
- (f) the average weight of the finfish that escaped or may have escaped,
- (g) the rearing facility from which the finfish were received by the aquaculture facility, and
- (h) a record of each drug administered to the finfish including:
 - (i) the name of the drug,
 - (ii) the period of administration, including the dates of commencement and completion of the drug treatment,
 - (iii) the name of the prescribing veterinarian,
 - (iv) the prescribed withdrawal period, and
 - (v) identification of the lots of finfish treated.

(3) A holder who recaptures or attempts to recapture finfish that have escaped from an aquaculture facility must report in writing the results of the recapture or attempt to recapture to the manager within one week of the recapture or attempted recapture.

Inventory records

5 (1) For each finfish aquaculture facility of a holder, the holder must maintain accurate written records of the following for each containment structure in the aquaculture facility:

- (a) the transport, transfer and introduction of finfish into or away from the aquaculture facility;
- (b) the weekly finfish mortalities, including the causes of the mortalities and the numbers attributable to each cause of mortality;
- (c) all finfish sales from the aquaculture facility, including the number and destination of the finfish sold;
- (d) the source and number of each group, lot or stock of finfish at the aquaculture facility; and

(e) each escape of finfish from the aquaculture facility.

(2) Holders must maintain a copy of the records required under this section at the finfish aquaculture facility for each lot of finfish until that lot of finfish is harvested or removed from the aquaculture facility.

Inspection and maintenance records

6 (1) For each finfish aquaculture facility of a holder, the holder must maintain accurate written records of the details of all inspections, maintenance and evaluation of all fish handling equipment, cage support systems and containment structures, including net cages and bag cages.

(2) Records of inspection, monitoring, evaluation and maintenance under this section in the case of a marine finfish aquaculture facility must be kept in a manner that complies with the requirements contained in the standards of practice in Appendix 2 of this regulation.

Training

7 (1) Holders must ensure that all finfish aquaculture facility staff are trained to conduct the business of aquaculture in a manner that prevents escapes and, if escapes occur, enables them to detect escapes and respond immediately and appropriately.

(2) In the case of a marine finfish aquaculture facility, training under this section must be conducted in a manner that complies with the requirements contained in the standards of practice in Appendix 2 of this regulation.

Record of drugs

8 (1) A holder must keep a record of a drug administered to the holder's finfish.

(2) For the purposes of this regulation the administration of a drug to a finfish includes the intentional introduction of a drug, or a substance containing a drug, into water in the holder's aquaculture facility.

(3) The record referred to in subsection (1) must include the following information:

- (a) the aquaculture licence number and name of the holder;
- (b) the location of the aquaculture facility;
- (c) the species of finfish cultured and held;
- (d) the name of the veterinarian who prescribed any drugs;
- (e) a log
 - (i) naming the drugs,
 - (ii) specifying how the drugs were administered,
 - (iii) specifying the treatment schedule including the date treatment commenced,
 - (iv) specifying the date of the last treatment, and

(v) specifying the name and including the signature of the person responsible for administering each treatment.

(4) If a person delivers finfish from an aquaculture facility to a processing plant or to a fish buying station, the person must provide, at the time of delivery, a statement to the fish processing plant licensee or the fish buying station licensee, as the case may be, and the holder must retain a copy of this statement for one year.

(5) If a person delivers finfish from a fish buying station to a fish processing plant the person must provide, at the time of the delivery, the original or a copy of the statement referred to in subsection (4) to the fish processing plant licensee.

(6) A fish processing plant licensee who has received a statement under subsection (4) or (5) must retain a copy of the statement for one year.

(7) The statement referred to in subsection (4) must be signed by the person responsible for administering the treatment and by the holder or the holder's agent and must include the following information:

(a) the aquaculture licence number;

(b) the species of finfish;

(c) the date of harvest;

(d) the name of the fish processing plant to which the finfish are delivered;

(e) the quantity of finfish harvested;

(f) a lot number that identifies the shipment of finfish;

(g) the date of the most recent treatment, if any, with a drug or the final day of the withdrawal period for an administered drug, whichever is latest, including:

(i) the name of the drug,

(ii) the treatment schedule,

(iii) the dates treatment commenced and finished,

(iv) the prescribed withdrawal period,

(v) the name of the veterinarian, if any, who prescribed the drug, and

(vi) the name of the person responsible for administering the treatment.

Drug free period

9 A holder must not harvest finfish after administering a drug to the finfish unless:

(a) the *Food and Drugs Act* (Canada) or regulations made under that Act provide standards governing the use of the drug and the holder has complied with those standards, or

(b) the drug is prescribed by a veterinarian, the veterinarian has prescribed a mandatory period of time that must pass between the administration of the drug and the harvest of finfish and the holder has complied with all the veterinarian's

instructions.

Prohibition against processing

10 (1) A person must not process finfish for sale in British Columbia except at an establishment that has a valid certificate of registration issued by the Department of Fisheries and Oceans (Canada).

(2) Subsection (1) does not apply to the packaging of finfish by a retailer for sale by the retailer.

(3) Subsection (1) does not apply if a person has the written consent of the minister to process finfish at an establishment with a valid processing licence.

Transportation

11 (1) A person who transports aquatic plants or fish on, over or through fresh or tidal waters must take reasonable precautions to prevent the escape of the plants or fish.

(2) A person who transports finfish must take all reasonable measures to control, mitigate, remedy or confine the effects of an escape of finfish.

Inspectors

12 (1) The minister may appoint a person as an aquaculture inspector to investigate matters related to

(a) the conduct of the business of aquaculture, and

(b) compliance with the Act, this regulation and an aquaculture licence and its conditions.

(2) An aquaculture inspector may enter an aquaculture facility during normal business hours to investigate the matters referred to in subsection (1) and a person must not obstruct the inspector in the course of the inspector's duties.

(3) At the request of an aquaculture inspector, an inspector of fisheries or a conservation officer, a holder or a person acting on a holder's behalf must produce for inspection any record or best management practice plan that is required to be kept under this regulation or as a term of an aquaculture licence, and

(a) a holder or person acting on behalf of a holder must produce for inspection any record or best management practice plan required to be kept under this regulation or a term of an aquaculture licence within 48 hours of a request by an aquaculture inspector, an inspector of fisheries or a conservation officer, and

(b) despite paragraph (a), a holder or a person acting on behalf of a holder must immediately produce for inspection any records or best management practice plan required to be kept at a finfish aquaculture facility by this regulation on request of an aquaculture inspector, an inspector of fisheries or a conservation officer who is present at the aquaculture facility.

(4) In the case of a marine finfish aquaculture facility, records or best management practice plans referred to in this section must include the records or best management practice plans required to be kept under Appendix 2 of this regulation.

(5) To establish that a net cage's mesh meets the minimum breaking strengths established in section 14 of Appendix 2, an aquaculture inspector, an inspector of fisheries or a conservation officer may apply one of the following procedures:

(a) review of the record of the most recent complete out-of-water servicing and inspection completed in accordance with section 18 of Appendix 2;

(b) require the holder to conduct an on-site test of the net in accordance with the protocol in section 15 of Appendix 2 while the net cage remains in the water at the marine finfish aquaculture facility;

(c) require the holder to remove the net cage from the water for a complete out-of-water servicing and inspection completed in accordance with section 18 of Appendix 2 within a timeframe established by the aquaculture inspector, the inspector of fisheries or the conservation officer.

Fees

13 A person applying for a new aquaculture licence, a renewal of an aquaculture licence or an amendment of an aquaculture licence must pay the fee for this set out in Appendix 1.

Appendix 1

1 In this Appendix:

"primary aquaculture product" means an aquatic plant or fish that is a product of aquaculture but does not include a processed or manufactured product;

"production value" means the dollar value of sales of a primary aquaculture product in the previous licence year, but, if the terms and conditions of the aquaculture licence for the previous licence year contain a maximum volume of production equivalent to a dollar value, it means that dollar value for that maximum volume of production.

2 The following schedule of fees applies for the purposes of section 13 of this regulation.

Schedule of Fees

(a) Application for initial licence.....	\$25
(b) Licence amendment.....	\$50
(c) Licence and licence renewal for	
(i) aquaculture facility on private land, production value at least \$7 500.....	\$100
(ii) aquaculture facility on private land, production value less than \$7 500.....	\$50
(iii) aquaculture facility on Crown land, production value at least \$7 500	
(A) aquatic plants and fish other than finfish.....	\$50
(B) finfish.....	\$200
(iv) aquaculture facility on Crown land, production value less than \$7 500	
(A) aquatic plants and fish other than finfish.....	\$50
(B) finfish.....	\$100

Appendix 2

Standards of Practice for Marine Finfish Aquaculture Escape Prevention and Response

1 In this Appendix, "**spotter**" means a person trained and employed

- (a) to watch for activity that indicates an increased risk of finfish escaping,
- (b) to signal in a clear and predetermined manner for the activity to stop, and
- (c) to take appropriate measures to stop the activity.

Part I — Equipment Design, Use and Maintenance

A — General Design and Maintenance

2 All equipment, materials and structures employed at a marine finfish aquaculture facility must be designed, constructed, installed, inspected and maintained in a manner that prevents escapes, including escapes caused by damage, holes or tears to net cages or containment structures through entanglements with other equipment.

3 Holders must monitor, evaluate and maintain containment structures, including cage support systems and net cages, in order to prevent escapes and to detect and respond to any escapes in a timely manner.

B — Containment Structures and Cage Support Systems

4 The requirements for containment structures are as follows:

- (a) holders must ensure that equipment used at their marine finfish aquaculture facility is designed and constructed to meet generally accepted standards prevalent in the aquaculture industry;
- (b) holders must evaluate new or experimental containment structure system designs through:
 - (i) field trials,
 - (ii) consultation with other aquaculture producers who have used the design,
 - (iii) comprehensive analysis of the manufacturer's performance trials, or
 - (iv) review by a professional engineer,

to ensure compatibility with conditions at the proposed location of the marine finfish aquaculture facility and with containment requirements;

(c) holders must ensure that containment structures are installed by a person who knows the risks of finfish escapement from the containment structures and the measures needed to minimize these risks;

(d) containment structures must be repaired or replaced with materials that meet or exceed the specifications approved in the holder's aquaculture licence.

5 The requirements for cage support systems are as follows:

- (a) all cage support system weights and other equipment must be designed, constructed and installed with the aim of preventing entanglement and chafing with containment nets, predator nets and shark guard nets;
- (b) all cage support system weights, anchoring equipment, and other equipment that has the potential to come into physical contact with the net cage must be maintained to prevent catching or abrading nets;
- (c) daily above-water visual inspections of active cage support systems including, anchoring-line buoy orientation and the general integrity of the anchoring system must be conducted at all marine finfish aquaculture facilities;
- (d) any irregularity noted in paragraph (c) that increases the risk of escape must be corrected or repaired immediately;
- (e) a record of the daily visual inspection and any repairs under this section must be made and a copy of the record must be retained at the marine finfish aquaculture facility for one year.

6 The requirements for anchoring equipment are as follows:

- (a) anchoring equipment design must be compatible with the containment structure equipment and biophysical conditions of the location;
- (b) anchoring equipment must be repaired or replaced with materials that meet or exceed specifications approved in the holder's aquaculture licence.

C — Net Cages

I — Design, Installation and Maintenance

7 A net cage that does not have a permanently attached mesh top must be attached by the water line rope of the net cage to the cage support system as a primary point of attachment and any attachment of net cages to the cage support system railing must be only for support of the jump net.

8 Jump nets extending at least one metre above the surface of the water must be installed at the top of any net cage that does not have a permanently attached mesh top or similar barrier.

9 Sufficient weight or pressure must be used to produce tension on net cage panels with the aim of maintaining a taut net.

10 Net cages must be weighted at a sufficient number of points to ensure the tension or weight is distributed evenly.

11 Netting mesh size must be small enough to contain the smallest fish to be placed in the net cage.

12 Net cages must be stored in a manner that minimizes deterioration of the net material.

13 Holders must ensure that all tears found while handling or inspecting net cages in use or intended for use at any time are repaired immediately.

II — Net Cage Mesh Strength

14 According to the dimension classification identified in Table 1, the mesh of any part of a net cage, including any repairs, must meet the minimum breaking strength standards established in Tables 2 through 6.

Table 1: Net Cage Dimension Classification

Perimeter	Up to 50 m (164 ft.)	> 50 m to 60 m (197 ft.)	> 60 m to 70 m (230 ft.)	> 70 m to 80 m (262 ft.)	> 80 m to 90 m (295 ft.)	> 90 m to 110 m (361 ft.)	> 110 m
Depth							
Up to 5 m (16 ft.)	A	A	B	C	D	D	E
>5 m to 10 m (33 ft.)	A	A	B	C	D	D	E
>10 m to 15 m (49 ft.)	A	B	B	C	D	D	E
>15 m to 20 m (66 ft.)	B	B	C	D	D	D	E
>20 m to 30 m (98 ft.)	D	D	D	D	D	E	E
>30 m	E	E	E	E	E	E	E

A to E establishes net cage dimension classification. Depth is from waterline rope to net cage bottom. Perimeter refers to the line bounding the top of the net cage.

Table 2: Dimension Classification A

Mesh Size	Minimum Required Mesh Breaking Strength (below surface of water)	Minimum Required Mesh Breaking Strength (jump netting, above surface of water)
< 22 mm (7/8")	20 kg (44 lbs)	18 kg (41 lbs)
> 22 mm (7/8") to < 38 mm (1-1/2")	26 kg (58 lbs)	24 kg (52 lbs)
38 mm (1-1/2")	31 kg (68 lbs)	28 kg (62 lbs)
> 38 mm (1-1/2")	41 kg (90 lbs)	38 kg (83 lbs)

Table 3: Dimension Classification B

Mesh Size	Minimum Required Mesh Breaking Strength (below surface of water)	Minimum Required Mesh Breaking Strength (jump netting, above surface of water)
< 22 mm (7/8")	25 kg (56 lbs)	24 kg (52 lbs)
> 22 mm (7/8") to < 38 mm (1-1/2")	31 kg (68 lbs)	28 kg (62 lbs)
38 mm (1-1/2")	41 kg (90 lbs)	38 kg (83 lbs)
> 38 mm (1-1/2")	46 kg (102 lbs)	43 kg (94 lbs)

Table 4: Dimension Classification C

Mesh Size	Minimum Required Mesh Breaking Strength (below surface of water)	Minimum Required Mesh Breaking Strength (jump netting, above surface of water)
< 38 mm (1-1/2")	36 kg (79 lbs)	33 kg (73 lbs)
38 mm (1-1/2")	46 kg (102 lbs)	43 kg (94 lbs)
> 38 mm (1-1/2")	51 kg (113 lbs)	47 kg (104 lbs)

Table 5: Dimension Classification D

Mesh Size	Minimum Required Mesh Breaking Strength (below surface of water)	Minimum Required Mesh Breaking Strength (jump netting, above surface of water)
< 38 mm (1-1/2")	41 kg (90 lbs)	38 kg (83 lbs)
38 mm (1-1/2")	51 kg (113 lbs)	47 kg (104 lbs)
> 38 mm (1-1/2")	62 kg (136 lbs)	57 kg (125 lbs)

Table 6: Dimension Class E

Mesh Size	Minimum Required Mesh Breaking Strength (below surface of water)	Minimum Required Mesh Breaking Strength (jump netting, above surface of water)
< 38 mm (1-1/2")	46 kg (102 lbs)	43 kg (94 lbs)
38 mm (1-1/2")	62 kg (136 lbs)	57 kg (125 lbs)
> 38 mm (1-1/2")	77 kg (169 lbs)	71 kg (156 lbs)

15 Tests to determine the net cage mesh breaking strengths of a net cage's mesh as established in section 14 of this Appendix must be conducted in accordance with the protocol set out in the British Columbia Net Cage Mesh Strength Testing Procedure, Version 1, a copy of which may be obtained from the manager or an aquaculture inspector.

16 At the request of an aquaculture inspector, an inspector of fisheries or a conservation officer, holders must demonstrate that net cage mesh meets minimum breaking strengths established in section 14 of this Appendix, within a period of time determined by the inspector or conservation officer.

17 Net cages with mesh that does not pass the breaking strength test requirements established in section 14 of this Appendix must be repaired or retired as soon as possible.

III — Inspections and Record Keeping

18 The requirements for complete out-of-water servicing and inspection of net cages are as follows:

- (a) servicing and inspections must be carried out by a person who knows the risks of finfish escapement from the net cages and the measures needed to minimize these risks;
- (b) a complete visual inspection of the entire net cage must be completed for signs of abrasions, tears or holes;
- (c) any damage to the net cage must be repaired as needed;
- (d) the net cage mesh must be tested in accordance with the protocol in section 15 of this Appendix;
- (e) a record of testing must be completed in accordance with the protocol in section 15 of this Appendix;
- (f) the record of testing must be signed by the person who carried out the inspection.

19 (1) In this section, "**comparable method**" means a method of inspection designated in writing by the manager to be equivalent to inspection by divers for purposes of this section.

(2) Holders must ensure that complete inspection and repair of active net cages and any similar structure that contains fish at their marine finfish aquaculture facilities takes place as follows:

- (a) an underwater inspection, by divers or other comparable method must be conducted on any net cages or any similar structure used to contain fish prior to the initial introduction of a new group of fish;
- (b) active net cages and similar structures used to contain fish must be inspected every 60 days by divers or another comparable method;

(c) despite paragraph (b), active net cages and any similar structure used to contain fish must be inspected as soon as is practicable by divers or another comparable method after any operational activity or event that increases risk of net failure, including extreme environmental conditions, net cage changes, fish delivery, recurring predator attacks, vandalism to net cages or equipment or towing of active containment structures;

(d) despite paragraph (b), active net cages and any similar structure used to contain fish must be inspected by divers or another comparable method as soon as is practicable after any event that occurs during routine harvesting, grading or any other routine activity which leads a holder or person acting on their behalf to suspect there is a material increase in the risk of net failure.

20 Each net cage must be marked with an inventory control number that is permanently marked on a permanent tag attached at the top of the net cage within one metre of a corner down line or a main down line of a circular net cage.

21 At the marine finfish aquaculture facility where the net cage is deployed, holders must have a written maintenance record for each net cage that includes

(a) the inventory control number referred to in section 20 of this Appendix,

(b) the dimensions,

(c) the mesh size,

(d) a record of the most recent complete out-of-water servicing and inspection under section 18 of this Appendix,

(e) the accumulated time-in-water since the most recent complete out-of-water servicing and inspection under section 18 of this Appendix,

(f) a description and the dates of each inspection under section 19 of this Appendix since most recent complete out-of-water servicing and inspection under section 18 of this Appendix, and

(g) a description and the dates of all repairs, including reasons for repairs, made to the net cage since the most recent complete out-of-water servicing and inspection under section 18 of this Appendix.

22 Records required to be kept under section 19 and 21 of this Appendix that were recorded prior to the last out-of-water servicing and inspection under section 18 of this Appendix must be retained for six months after that out-of-water servicing and inspection.

23 Holders must have written records for each net cage that includes

(a) the inventory control number in section 20 of this Appendix,

(b) the manufacturer's name,

(c) the year produced,

(d) the dates and records of all complete out-of-water servicings and inspections since October 31, 2000, under section 18 of this Appendix, and

(e) if applicable, the date of retirement.

24 Records for each net cage under section 23 of this Appendix must be retained for 1 year following retirement of the net cage.

Part II — Operations

A — Boat Operations

25 Holders must ensure that all boats in use at their marine finfish aquaculture facilities are operated so as to prevent damage to containment structures and anchoring systems.

26 Holders must designate a docking site for boats not involved in the cultivation of fish.

27 Holders must ensure that signs are posted on the containment system to direct boats not involved in the cultivation of fish to designated docking sites.

28 Designated boat docking sites must be designed and located to prevent propeller damage to net cages.

29 Large vessels must not be moored to cage support system rails or stanchions.

B — Key Operational Activities

30 Equipment and practices related to boat operations, fish feeding, fish handling, mortality recovery, smolt delivery, grading, harvesting, towing of active net pens and other activities must be designed and conducted in a manner that prevents the escape of fish.

31 Spotters must be used to visually monitor and prevent damage to net cages, ropes and cage support systems during all fish handling activities, including when a large vessel is operating in the vicinity of active net cages.

32 Catch nets must be used to prevent escapes due to human error, equipment failure, or fish jumping out of the equipment while holders are transporting, harvesting, grading, sampling and moving live finfish outside of net cages.

33 If a pattern of predator attacks is established and resulting mortalities are experienced at a marine finfish aquaculture facility, holders must initiate measures to prevent containment structure damage and collateral stock escape.

C — Best Management Practices Plan

34 (1) Holders must develop and follow a best management practices plan for the operation and maintenance of their marine finfish aquaculture facilities, within 180 days of the proclamation of this regulation, which is consistent with the Standards of Practice in Appendix 2 of this regulation and with the objective of preventing escapes of finfish to the environment as a result of the following activities:

- (a) finfish delivery, handling, grading and harvesting;
- (b) net cage and bag cage changing;
- (c) boat operations and maintenance;
- (d) towing of active containment structures at, to or from the marine finfish aquaculture facility;
- (e) management of predation of farm stock;
- (f) recovery of mortalities.

(2) The best management practices plan must include

(a) a description of specific management practices and standard operating procedures used to achieve the above objectives,

(b) a statement that the best management practices plan has been reviewed and endorsed by the holder, and

(c) a statement that individuals responsible for implementation of the plan understand and have received training in the plan.

(3) Holders must:

(a) maintain a copy of the best management practices plan at the marine finfish aquaculture facility and make the plan available upon the request of the manager of aquaculture, an aquaculture inspector, an inspector of fisheries or a conservation officer,

(b) amend the best management practices plan in a timely fashion whenever there is a change in the operation of the marine finfish aquaculture facility that materially increases the risk of escape of finfish to the environment,

(c) review any changes in the operation of the marine finfish aquaculture facility and ensure that changes are consistent with best management practices plan objectives, and

(d) if the manager provides a written opinion that a best management practices plan is ineffective in achieving the objectives in subsection (1), revise the best management practices plan and incorporate those revisions as needed in a timely fashion, to ensure the objectives are met.

Part III — Escape Response Plans

35 Every holder must have a written escape response plan.

36 Holders must ensure that their escape response plans are posted in visible locations at their marine finfish aquaculture facilities and that the locations and contents of the posted plans are made known to all staff.

37 Holders' escape response plans must include step-by-step procedures for preventing further escapes and for reporting escapes.

38 After an escape or suspected escape, holders must ensure that immediate corrective action is taken to prevent further escapes and the escape response plan is fully executed.

39 On the escape of finfish from an aquaculture facility, the holder must take all reasonable measures consistent with federal, British Columbia and local government enactments that

(a) will result in the recapture of a significant portion of the lost stock, and

(b) will not detrimentally impact on wild stocks.

40 Holders must ensure that their escape response plans include arrangements in place with federal, British Columbia and local government authorities to obtain without delay the approvals necessary for the purposes of section 39 of this Appendix.

Note: this regulation replaces B.C. Reg. 364/89

[Provisions of the *Fisheries Act*, R.S.B.C. 1996, c. 149, relevant to the enactment of this regulation: section 26]

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