B.C. Reg. 364/89
O.C. 1624/89

Deposited November 17, 1989

Fisheries Act

AQUACULTURE REGULATION

[includes amendments up to B.C. Reg. 335/2000]

Contents

Interpretation

1 In this regulation:

"Act" means the *Fisheries Act*;

"aquaculture licence" means the 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, tubes and other structures provided as substrate for the attachment of aquatic plants and fish for purposes of aquaculture;

"containment structure" means net cages, net pens, tanks, troughs, raceways, natural or man made ponds, trays and other structures used to contain aquatic plants and 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);

"fin fish" means fish of the classes Agnatha, Chondrichthyes and Osteichthyes grown by a holder;

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

"location" means

(a) a contiguous area of land that is owned, leased or otherwise lawfully occupied by a person, and

(b) areas of land whether contiguous or not that are occupied under a single

(i) lease, or

(ii) licence of occupation

granted under the *Land Act*;

"manager" means the manager of aquaculture appointed under section 6;

"net cage" means a floating infrastructure that supports net pens;

"net pen" means open mesh net structures used to contain fish for purposes of aquaculture.

[am. B.C. Reg. 335/2000, s. 1.]

Separate licence for each location

2 No person shall carry on the business of aquaculture at a location without first obtaining an aquaculture licence for that location.

Application for licence and licence renewal

3 An applicant for an aquaculture licence shall make an application to the minister under section 14 of the Act and, where the application is for a renewal of an aquaculture licence, shall deliver it at least 60 days before the term of the existing aquaculture licence expires.

Term of licence

4 The minister may specify in an aquaculture licence a term of not more than 30 years.

[en. B.C. Reg. 226/99, s. (a).]

Dealing in fish or aquatic plants

5 (1) A person shall not possess, buy, sell, introduce into the Province or transplant within the Province 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.

Manager of aquaculture

6 The minister may appoint a person in the Ministry of Fisheries as manager of aquaculture.

Release and escape

7 (1) No person shall release aquatic plants or fish to fresh or tidal waters from an aquaculture facility or from containment or attachment structures in an aquaculture facility unless authorized to do so by the terms or conditions of an aquaculture

licence.

(2) A holder shall take reasonable precautions to prevent the escape of aquatic plants and fish from the holder's aquaculture facility and from containment and attachment structures in the facility and shall take all reasonable measures to respond to the escape.

(3) Reasonable precautions and reasonable measures under subsection (2) in the case of a marine fin fish aquaculture facility include compliance with the standards of practice in Appendix 2.

(4) A person must not cause, authorize or allow the escape of fin fish from a containment structure.

[am. B.C. Reg. 335/2000, s. 2.]

Reporting escape

8 (1) The holder, or a person acting on behalf of a holder, who discovers an escape or evidence suggesting an escape of aquatic plants or fish from an attachment or containment structure in the holder's aquaculture facility shall 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, if requested by the manager.

(1.1) Despite subsection (1) (b), an escape, or evidence suggesting an escape, of fin fish, described in subsection (1) must be reported in writing to the manager within one week of the discovery.

(2) A holder who recaptures or attempts to recapture aquatic plants or fish that have escaped from an aquaculture facility shall report in writing the results of the recapture or attempt to recapture to the manager within one week of the recapture or attempted recapture.

(3) A written report under subsection (1.1) must include

(a) the date and estimated time of the escape or supposed escape,

(b) the species of fin fish that escaped or may have escaped,

(c) the estimated number of fin fish that escaped or may have escaped,

(d) the cause or suspected cause of the escape or supposed escape,

(e) the calendar year in which the fin fish were stocked at the aquaculture facility,

(f) the average weight of the fin fish that escaped or may have escaped, and

(g) the rearing facility from which the fin fish were received by the aquaculture facility.

[am. B.C. Reg. 335/2000, s. 3.]

Escape response

8.1 On an escape of fin fish from an aquaculture facility, the holder must

(a) implement the escape response measures in the escape prevention and response plan for the aquaculture facility, and

(b) take all reasonable measures to control, mitigate, remedy and confine the effects of the escape.

[en. B.C. Reg. 335/2000, s. 4.]

Records and reports

8.2 (1) For each fin fish aquaculture facility of a holder, the holder must maintain accurate records of the following:

(a) the transport, transfer and introduction of fin fish into or away from the aquaculture facility;

(b) weekly fin fish mortality;

(c) all fin fish sales from the aquaculture facility, including the number and destination of the fin fish sold;

(d) the source, number and specific siting of each stock and lot of fin fish at the aquaculture facility;

(e) each escape from the aquaculture facility;

(f) all inspections, including dive inspections, of all containment structures, including pen systems, containment nets, accessory floats and mooring systems;

(g) the details of monitoring, evaluation and maintenance of each containment structure, including pen systems, containment nets, accessory floats, mooring systems and fish handling equipment;

(h) antifoulant treatments of containment structures;

(i) training received by staff respecting aquaculture, escape prevention and escape response.

(2) On request of an inspector of fisheries, an aquaculture inspector or a conservation officer, a fin fish aquaculture licence holder, or a person acting on behalf of the holder, must produce for inspection any record required to be kept under this regulation.

[en. B.C. Reg. 335/2000, s. 4.]

Record of drugs

9 (1) A holder shall keep a record of a drug administered to the holder's fin fish.

(2) For the purposes of this regulation the administration of a drug to a fin fish 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) shall 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 fin fish cultured and held;

(d) the name of the veterinarian who prescribed any drugs;

(e) a log naming the drugs, how they were administered, the treatment schedule including the date treatment commenced, the date of the last treatment and the name and signature of the person responsible for administering each treatment.

(4) Where a person delivers fin fish from an aquaculture facility to a processing plant or to a fish buying station the person shall provide, at the time of delivery, a statement in accordance with subsection (5) to the fish processing plant licensee or the fish buying station licensee, as the case may be, and the holder shall retain a copy of this statement for one year.

(5) Where a person delivers fin fish from a fish buying station to a fish processing plant the person shall 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) shall retain a copy of the

statement for one year.

(7) The statement referred to in subsection (4) shall be signed by the holder or his agent and shall include the following information:

(a) the aquaculture licence number;

(b) the species of fish;

(c) the date of harvest;

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

(e) the quantity of fish harvested;

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

(g) the date of last treatment, if any, with a drug including the name of the drug, the treatment schedule, the dates treatment commenced and finished, the name of the veterinarian, if any, who prescribed any drug and the name and signature of the person responsible for administering the treatment.

Drug free period

10 (1) No holder shall harvest fin fish for 105 days after administering a drug to the fin fish.

(2) Subsection (1) does not apply where

(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 fin fish and the holder has complied with all the veterinarian's instructions.

Prohibition against processing

11 (1) No person shall process fin fish for sale in the Province 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 fin fish by a retailer for sale by the retailer.

Transportation

12 A person who transports aquatic plants or fish on, over or through fresh or tidal waters shall take reasonable precautions to prevent the escape of the plants or fish, as the case may be.

Inspectors

13 (1) The minister may appoint any 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 no person shall 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 shall produce for inspection a record that is required to be produced for inspection as a condition of an aquaculture licence.

Fees

14 (1) In Appendix 1:

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

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

(2) A person applying for a new aquaculture licence, a renewal of an aquaculture licence or an amendment of an aquaculture licence shall pay the fee set out in Appendix 1.

(3) Subject to the *Financial Administration Act*, the fee for an application for a new aquaculture licence and the fee for a licence amendment are not refundable.

False information

15 No person shall provide false information in a record or statement referred to in this regulation.

Appendix 1

[am. B.C. Reg. 226/99, s. (b).]

Schedule of Fees

1	Application for initial licence	$25
2	Licence amendment	$50
3	Licence and licence renewal for	
	(a) aquaculture facility on private land, production value at least $7 500	$100
	(b) aquaculture facility on private land, production value less than $7 500	$50
	(c) aquaculture facility on Crown land, production value at least $7 500	
	(i) aquatic plants and fish other than fin fish	$50
	(ii) fin fish	$200
	(d) aquaculture facility on Crown land, production value less than $7 500	
	(i) aquatic plants and fish other than fin fish	$50
	(ii) fin fish	$100

Appendix 2

[en. B.C. Reg. 335/2000, s. 5.]

Standards of Practice for Marine Fin Fish Aquaculture Escape Prevention and Response

Part 1 — Escape Prevention and Response Plans

1 Every operator of a marine fin fish aquaculture facility ("Facility") must have a written escape prevention and response plan for the Facility, and must submit that plan to the minister.

2 The escape prevention and response plan referred to in section 1 must include

(a) plans for escape prevention,

(b) plans for escape response,

(c) plans for predator avoidance,

(d) a description of existing and proposed containment structures,

(e) plans for inspection and maintenance of containment structures, and

(f) monitoring and reporting schedules.

3 An escape prevention and response plan referred to in section 1 must specify how the holder will ensure that the standards in Parts II to IV will be complied with at their Facility.

Part II — Escape Prevention

A — Equipment Design, Installation and Use

4 All equipment, materials and structures employed at a Facility must be designed, constructed, installed, inspected and maintained so as to prevent escapes, including, without limitation, escapes caused by damage, holes or tears to net pens or containment structures through entanglements with other equipment.

5 The requirements for net cages and other containment structures are as follows:

(a) holders must ensure that equipment used at their Facilities is designed and constructed to meet generally accepted standards prevalent in the aquaculture industry;

(b) escape prevention and response plans must include

(i) professional schematics that itemize and describe all containment structures and anchoring systems used to contain fish at the Facility,

(ii) a review of the containment structures, anchoring equipment and supplemental anchoring of accessory structures which assesses their suitability and safety for the Facility location, done by a qualified professional with direct and relevant experience with aquaculture containment systems and the associated risks, and

(iii) a review of predicted weather extremes, anticipated maximum wave heights, current flow and tidal velocities, in relation to the containment structures and other structures;

(c) 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 Facility location and with containment requirements;

(d) holders must ensure that containment systems and anchoring equipment are installed by a person with direct and relevant experience.

6 The requirements for containment structure 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 licence;

(c) if a holder uses a multiple point anchoring system, floating accommodation and storage structures that are attached to containment structure systems must have supplemental anchoring independent of the containment structures.

7 The requirements for net pens are as follows:

(a) for net pens manufactured after October 31, 2000:

(i) each net pen must be marked with the manufacturer's name, the job order number, the year produced, the original breaking strength, the net pen's dimensions, and the mesh size of the netting;

(ii) each net pen must be marked with an inventory control number;

(b) for net pens manufactured before October 31, 2000 each net pen must be marked with an inventory control number, the net pen's dimensions, and the mesh size of the netting;

(c) markings described in paragraphs (a) and (b) must be permanently marked on a permanent tag that is attached at the top of the net pen within 1 meter of a corner down line or a main down line of a circular net pen and within 1 meter of each other if more than one tag is used;

(d) holders must have a written maintenance record for each net pen that includes

(i) the inventory control number,

(ii) the date of initial deployment if deployed after October 31, 2000,

(iii) the accumulated time in water after October 31, 2000,

(iv) dates of in-water inspections,

(v) dates of on-site repairs and maintenance, including detailed reasons for repair,

(vi) dates of any cleaning,

(vii) dates of results of out-of-water complete servicing and stress testing, and

(viii) if applicable, the date of retirement of the net pen;

(e) written maintenance records for each net pen must be retained for 2 years following retirement of the net pen;

(f) any net pen that does not have a permanently attached mesh top must be attached by the water line rope of the net pen to the net cage as a primary point of attachment and any attachment of net pens to the net cage railing must be only for support of the jump net;

(g) jump nets extending at least 1 meter above the surface of the water must be installed at the top of any net pen that does not have a permanently attached mesh top;

(h) sufficient weight or pressure must be used to produce tension on net pen panels with the aim of maintaining a taut net;

(i) mesh size of netting must be small enough to contain the smallest fish in a population of fish placed in the net pen;

(j) all net pen 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;

(k) all net pen weights, anchoring equipment, and other equipment that has the potential to come into physical contact with the net pen must have a smooth exterior that cannot catch or abrade nets and must be kept free of mussels, barnacles, and other abrasive marine growth.

8 The requirements for boat operations are as follows:

(a) holders must have a written protocol for preventing boat and propeller damage to containment structures and anchoring systems;

(b) holders must ensure that all staff that operate boats are trained in accordance with the written protocol in paragraph (a);

(c) if practicable, propeller guards must be installed on boats used regularly around a containment structure system;

(d) the holder must designate a docking site for boats not involved in the cultivation of fish;

(e) the holder must ensure that signs are on the containment system to direct boats not involved in the cultivation of fish to designated docking sites;

(f) designated boat docking sites must be designed to prevent propeller damage to net pens.

B — Equipment Monitoring, Evaluation and Maintenance

9 All holders must develop written policies and procedures for the ongoing monitoring, evaluation and maintenance of containment structures, including net cages, net pens and anchoring systems, in order to prevent escapes and to detect and respond to any escapes on a timely basis.

10 A written fish inventory record must be maintained for each net cage in active service documenting

(a) suppliers of fish stock,

(b) number of fish stocked,

(c) number of fish harvested, and

(d) the causes of mortalities and the number of mortalities attributable to each cause.

11 Holders must ensure that underwater inspection and repairs of net pens and any similar structure used to contain fish at holders' Facilities take place as follows:

(a) divers must conduct an inspection of all net pens and any similar structure used to contain fish, and repairs must be made as needed, prior to the initial introduction of fish;

(b) a report of the inspection and any repairs required in paragraph (a) must be recorded in the written maintenance record;

(c) divers must conduct monthly inspections of active net pens, and any similar structure used to contain fish, and must make repairs as needed, and a report of the inspection and any repairs must be recorded in the written maintenance record;

(d) subject to paragraph (e), divers must collect mortalities at least once every week from each active net pen or any similar structure used to contain fish;

(e) despite paragraph (d), if mortalities are collected by a means other than by using divers, then divers must inspect each active net pen and any similar structure used to contain fish at least once every 2 weeks and a report of the inspection and any repairs must be recorded in the written maintenance record.

12 The requirements for net cage systems are as follows:

(a) daily above-water visual inspections of active containment structure equipment must be conducted at all fin fish aquaculture Facilities and recorded in the maintenance record;

(b) any irregularity noted in paragraph (a) that increases the risk of escape must be repaired and a report of the repair must be recorded in the written maintenance record.

13 The requirements for net pens are as follows:

(a) holders must ensure that all tears found while handling or inspecting net pens in use or intended for use at any time are repaired immediately and a report of the repair, including whether the repair is of a permanent or temporary nature, must be recorded in the written maintenance record;

(b) all temporary repairs must be replaced with permanent repairs as soon as is practicable;

(c) according to the dimension classification identified in Table 1, net pens must meet the minimum breaking strength standards established in Tables 2 through 5;

Table 1: Net Pen Dimension Classification

Perimeter	Up to 197 ft.	> 197 ft. to 230 ft.	> 230 ft. to 262 ft.	> 262 ft. to 295 ft.	> 295 ft. to 361 ft.	> 361 ft.
Depth						
Up to 33 ft.	A	A	B	C	C	D
> 33 to 49 ft.	A	A	B	C	C	D
> 49 to 66 ft.	A	B	C	C	C	D
> 66 to 98 ft.	C	C	C	C	D	D
> 98 ft.	D	D	D	D	D	D

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

Table 2: Dimension Classification A

Mesh Size	Wet Mesh Breaking Strength Minimum (below surface of water)	Wet Mesh Breaking Strength Minimum (jump netting above surface of water)
7/8" or less	50 lbs.	46 lbs.
1 to 1 3/8"	75 lbs.	69 lbs.
1 1/2"	127 lbs.	117 lbs.
1 5/8" to 2 1/4" or greater	157 lbs.	145 lbs.

Table 3: Dimension Classification B

Mesh Size	Wet Mesh Breaking Strength Minimum (below surface of water)	Wet Mesh Breaking Strength Minimum (jump netting above surface of water)
1 3/8" or less	111 lbs.	103 lbs.
1 1/2"	127 lbs.	117 lbs.
1 5/8" to 2 1/4" or greater	169 lbs.	156 lbs.

Table 4: Dimension Classification C

Mesh Size	Wet Mesh Breaking Strength Minimum (below surface of water)	Wet Mesh Breaking Strength Minimum (jump netting above surface of water)

1 3/8" or less	127 lbs.	117 lbs.
1 1/2"	169 lbs.	156 lbs.
1 5/8" to 2 1/4" or greater	194 lbs.	179 lbs.

Table 5: Dimension Classification D

Mesh Size	Wet Mesh Breaking Strength Minimum (below surface of water)	Wet Mesh Breaking Strength Minimum (jump netting above surface of water)
1 3/8" or less	127 lbs.	117 lbs.
1 1/2"	194 lbs.	179 lbs.
1 5/8" to 2 1/4" or greater	227 lbs.	209 lbs.

(d) for each point tested on a net pen for breaking strength tests in paragraph (c), the reported result must be the average of 3 breaks;

(e) any breaking strength test must be applied to areas of original net and not to patches of new material;

(f) any breaking strength test must be conducted with a dynamometer or other calibrated tension scale instrument;

(g) net pens that do not pass the breaking strength test requirements established in paragraph (c) must be repaired or retired;

(h) all repairs to net pens must meet or exceed the standards in paragraph (c);

(i) the requirements for complete out-of-water servicing of net pens are as follows:

(i) subject to subparagraph (ii), all net pens must undergo complete out-of-water servicing after every 18 months of accumulated time in water;

(ii) despite subparagraph (i), if a net pen contains a group of fish that will be in the net pen for longer than 18 months, the net pen must undergo complete out-of-water servicing prior to the introduction of the group of fish and before the introduction of a new group of fish;

(iii) complete out of water servicing must include a complete visual inspection, and breaking strength tests must be performed at 5 points on the net pen;

(iv) the results from subparagraph (iii) must be recorded in the written maintenance record;

(v) the 5 points which must be tested on each net pen are

(A) A point 2 meters below the top of the net pen,

(B) A point 2 meters below the top of the net pen opposite and equidistant from the point described in clause (A),

(C) A point at the midpoint of depth of the net pen,

(D) A point opposite and equidistant from the point described in clause (C) at the midpoint of depth of the net pen, and

(E) A point on the bottom panel;

(j) net pens stored on dry land must be stored in a manner that prevents exposure to ultraviolet light.

14 The requirements for anchoring systems are as follows:

(a) holders must ensure that annual inspections of subsurface anchoring equipment are conducted by divers or other means to a depth of 10 meters below the surface and the results and any repairs needed must be recorded in the written maintenance record;

(b) land based inspections of shore mounted anchoring equipment must be conducted once a year at a low tide and the results and any repairs needed must be recorded in the written maintenance record;

(c) repairs identified as needed in all annual anchor system inspections must be performed as soon as practicable and recorded in the written maintenance record.

15 A surface inspection of all containment structures must be carried out following every storm with winds over 55 knots or waves over 2 meters and a report of the inspection must be recorded in the written maintenance record.

16 All written maintenance records must be available for inspection at the fin fish aquaculture Facility and must be produced upon request by an aquaculture inspector, inspector of fisheries or conservation officer at the premises during normal business hours.

C — Key Operational Activities

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

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

19 Large vessels must not be moored to net cage rails or stanchions at any time.

20 Net pens and net cages must be monitored on a daily basis for floating woody debris, and large debris must be removed or towed away immediately.

21 Damage to net pens caused by floating debris must be repaired immediately and a report of the repair actions must be entered in the written maintenance log.

22 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 fin fish outside of net pens.

23 holders must prepare a written protocol for towing net pens that contain live fin fish within the boundaries of the holder's tenure.

24 A written towing plan must be prepared prior to any emergency or non-emergency towing of any net pens that contain live fin fish to a destination outside a holder's tenure boundary and must include consideration of the following:

(a) towing sequence;

(b) minimum number of boats necessary to meet towing needs and to provide backup, if necessary;

(c) optimum towing time during tidal cycles;

(d) direction of tide and towing;

(e) detailed drawings of each site, including the maximum and minimum depths of shore-side anchor lines;

(f) towing bridles;

(g) depths of water on towing path;

(h) mooring points;

(i) response in the event of a towing accident resulting in escape of fish.

25 A copy of the towing plan must be made available and communicated to all staff involved prior to the towing event.

26 Only staff suitably trained in handling equipment and live fin fish may undertake net towing operations involving transfer of live fin fish.

27 Subject to section 28, net pens used for any non-emergency towing involving live fin fish must be constructed of netting with a breaking strength of 175 pounds or greater.

28 Despite section 27, net pens with a mesh size less than 1 ¼ inch used for any non-emergency towing event involving live fin fish must be constructed of netting with a breaking strength of 100 pounds or greater.

D — Human Resource Practices

29 Holders must develop written policies and procedures to guide Facility staff in conducting the business of aquaculture in a manner that prevents escapes and so that if escapes occur, staff detect and respond immediately and appropriately.

30 All Facility staff must be adequately trained to conduct the business of aquaculture in a manner that prevents escapes and so that if escapes occur, they detect and respond immediately and appropriately.

Part III — Escape Response

31 Every holder must have a written escape recapture plan.

32 Holders must ensure that their escape recapture plans are posted in visible locations at their Facilities and that the locations and contents of the posted plans are made known to all staff.

33 Subject to complying with all applicable laws, including the federal *Fisheries Act* and its regulations, holders must immediately attempt to recapture fish that escape from their Facilities.

34 Holders must make their best efforts to establish an arrangement with Fisheries and Oceans Canada that any approvals required by that agency prior to recapture attempts can be obtained in an expedited fashion without undue delay.

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

36 Holders must ensure that the procedures in section 35 are carried on board their vessels and vehicles transporting live fin fish, are posted in a visible location at their Facilities and that the locations and contents of the posted plans are made known to all staff.

37 After an escape or suspected escape, immediate corrective action to prevent further escapes must be taken.

38 At the earliest possible time following an escape, holders must investigate to determine the cause of the escape, report the results of the investigation to the manager of aquaculture, and report actions taken to prevent further escapes.

Part IV — Predator Avoidance

39 Equipment and practices related to predator avoidance must be designed and conducted in a manner that prevents the escape of fish.

40 All mortalities must be inspected for signs of predator attack.

41 All mortalities resulting from predator attack must be recorded in the written inventory record.

42 If a pattern of predator attacks is established and mortalities are experienced at a location, holders must initiate additional measures in advance of net damage and collateral stock escape.

43 Feed must be stored in sealed buildings or in containers with tight fitting lids capable of being locked or tied down.

44 Walkways and pen systems must be kept clean and free of feed.

Note: *This regulation replaces B.C. Reg. 327/89*

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