

Gagnon, Veronique (NCR-ATIP|AIPRP)

From: Dostal, Alexandra
Sent: Thursday, December 22, 2022 1:30 PM
To: Genier, Sylvie
Subject: FW: [REDACTED]
Attachments: [REDACTED]

Importance: High

Here is one document for this ATIP. Can this be sent in to ATIP indicating that the record originates with legal so they need to be the ones to provide recommendations on redactions?

Alix Dostal
343-550-0501

From: Clark, Caroline <Caroline.Clark@justice.gc.ca>
Sent: Saturday, April 23, 2022 6:31 PM
To: Dostal, Alexandra <Alexandra.Dostal@dfo-mpo.gc.ca>; Hill, Johanna <Johanna.Hill@dfo-mpo.gc.ca>; Proctor, Jody <Jody.Proctor@dfo-mpo.gc.ca>
Cc: Charles, Michele <Michele.Charles@justice.gc.ca>; Bostwick, Edith (DOJ) <Edith.Bostwick@justice.gc.ca>; Champagne, Emilie (DOJ) <emilie.champagne@justice.gc.ca>; de Mora, Joe <Joe.deMora@dfo-mpo.gc.ca>; Reid, Rebecca <Rebecca.Reid@dfo-mpo.gc.ca>
Subject: [REDACTED]
Importance: High

Hello again,

[REDACTED]

Caroline Clark (*she/her – elle*)
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Vous pouvez me répondre dans la langue officielle de votre choix/Please feel free to reply in the official language of your choice.

Your working hours and my working hours may be different. Please do not feel obligated to reply outside your normal working hours/Mes heures de travail et les vôtres sont peut-être différentes. SVP ne sentez pas l'obligation de répondre hors de vos heures normales de travail.

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21(1)(b), 23, 21(1)(a)

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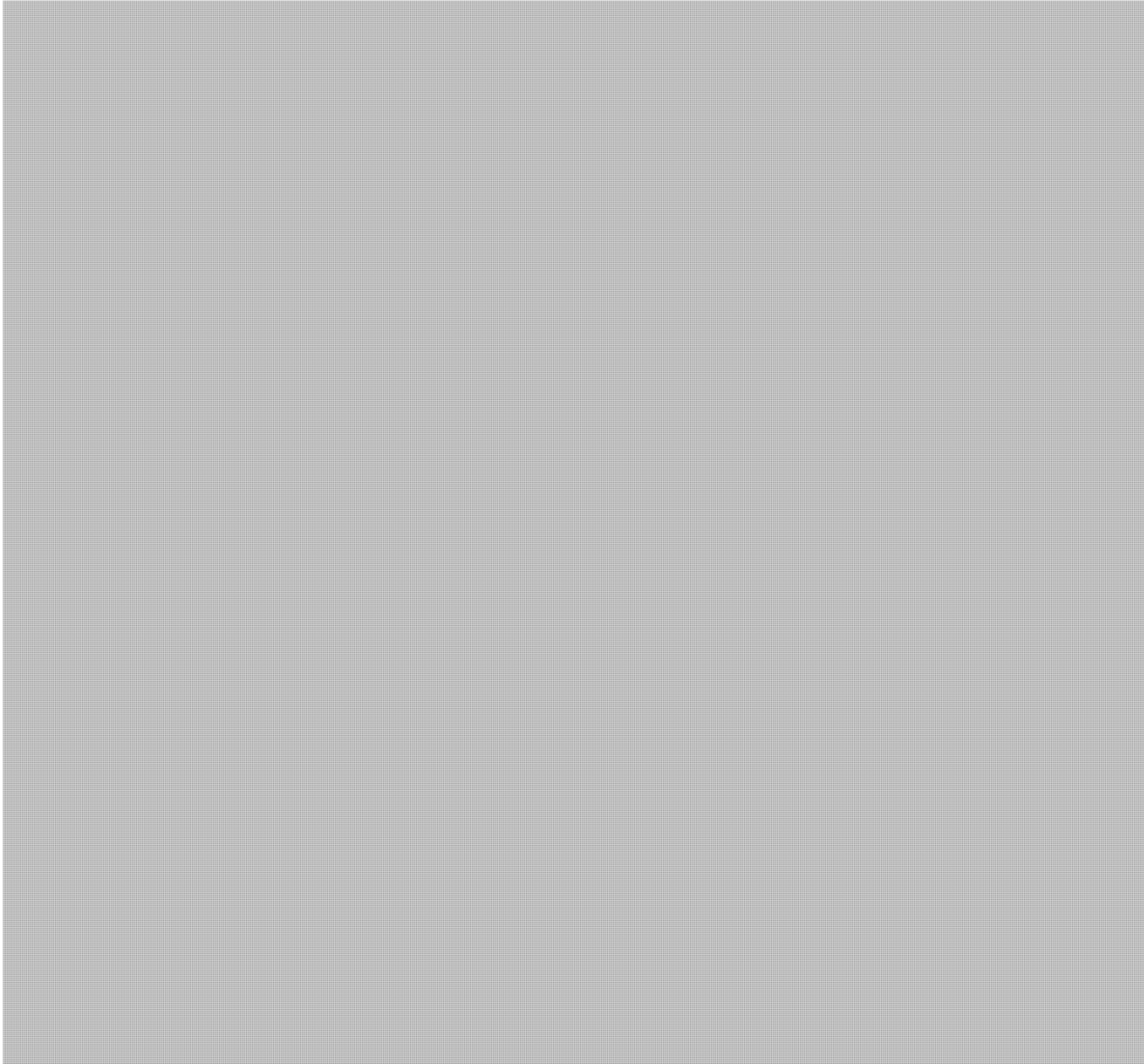
Legal Services
Caroline Clark
Senior General Counsel

Services Juridiques
Caroline Clark
Directrice exécutive et avocate générale principale

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AND LITIGATION PRIVILEGE

2022-008-00006

MEMORANDUM FOR THE DEPUTY MINISTER



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de la Loi sur l'accès à l'information**

Page 15

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23, 19(1)

**of the Access to Information Act
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Deputy Minister

Sous-ministre

SOLICITOR-CLIENT PRIVILEGE/SECRET

2022-502-00106

MEMORANDUM FOR THE MINISTER

**Discovery Islands Licensing Consultations
(FOR DECISION)**

Summary

Following your decision of May 17, 2022 (Tab 1), the purpose of this note is to seek your approval of Fisheries and Oceans Canada's (DFO) proposed implementation plans with respect to consultations on future licensing of salmon aquaculture licences in the Discovery Islands.

If you concur with the proposed consultation plans described below, letters to licence holders in the Discovery Islands have been attached for your signature (Tab 2a-2f). Your signature is requested at your earliest convenience, as current licences expire on June 30, 2022, and licence holders should be afforded the opportunity to respond to the letters prior to licence expiry.

Background

On December 17, 2020, former Minister Jordan announced her intention to phase out existing salmon farming facilities in the Discovery Islands and that farms would be free of fish by June 30, 2022. This decision bore three components: 1) to phase out existing salmon farming facilities in the Discovery Islands by June 30, 2022, with the 18-month period ending June 30, 2022 being the last time the area would be licensed; 2) that no new fish of any size be introduced into Discovery Islands facilities during this time; and, 3) that all farms be free of fish by June 30, 2022, but that existing fish at the sites could complete their growth-cycle and be harvested.

In January 2021, Mowi Canada West Inc. (Mowi), Cermaq Canada Ltd. (Cermaq), 622335 British Columbia (BC) Ltd. (owned by Saltstream Engineering Ltd. (Saltstream)), and Grieg Seafood BC Ltd. (Grieg), collectively, the Applicants, each filed a Notice of Application for judicial review of the decision in the Federal Court. The individual applications were subsequently consolidated into two applications.

Federal Court Decision

In April 2021, the Federal Court issued an injunction that prevented DFO from applying in blanket form the component of the decision related to the transfer of live fish to facilities located in the Discovery Islands. In considering transfer requests and any other licensing decisions

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involving the Discovery Islands, the former Minister and you have continued to consider all relevant circumstances and information including environmental factors, socio-economic factors, Indigenous considerations and representations made by the company. In six of seven subsequent transfer requests, the Minister opted to deny the transfers.

The Federal Court released its decision on April 22, 2022. Ultimately, the Federal Court deemed the December 2020 decision to be a licensing decision and quashed it on the basis of procedural fairness. The Federal Court found that the bar for procedural fairness in coming to the decision had not been met, among other things, given the legitimate expectation industry would have had that they would be consulted on the potential decision if the (former) Minister were contemplating non-reissuance. Quashing of the decision means that it is of no force and effect. The Federal Court held that the April 2021 injunction remained in effect. The Federal Court also stressed that when administrative decision-makers (including the Minister when making administrative decisions under the *Fisheries Act*) depart from the recommended course of action, they must provide detailed reasons for their decisions.

You are of the view that there are still a number of reasons and concerns which support a decision to not reissue salmon aquaculture activities in the area. On May 17, 2022, you approved an approach to consultation on future licensing for salmon farming facilities in the Discovery Islands in light of the Federal Court's April 2022 decision (Tab 1). The approach you approved set out that: DFO would not reissue licences and instead let them expire on June 30, 2022 (and one on August 31, 2022); and, consultations on a long-term decision to reissue or not reissue licences in January 2023 would occur until December 2022. You also approved consultation on the reissuance of licences to Yellow Island Aquaculture Ltd. (Yellow Island) and Saltstream to the point of grow-out of fish currently on site. The Department has developed a "Critical Path" which provides details of the timeline that would be followed in the application of this approach (Tab 3).

Moving forward on non-reissuance requires that a four step process be followed:

1. a notice of an anticipated refusal to renew would need to be given to each licence holder, prior to the making of the decision. The notice would need to clearly and thoroughly indicate the particular reasons why a refusal is contemplated, so as to allow licence holders to understand the concerns that would lead to a refusal;
2. licence holders would need to be provided with a meaningful opportunity to respond to these concerns;
3. decisions would need to take into account the relevant responses received from licence holders; and,
4. decisions would need to be justified in writing. Reasons would need to be provided, including the particular reasons why licence holders' responses would not suffice to justify a decision different to the one contemplated at the outset.

Implementation plan for Mowi, Cermaq and Grieg licences

Based on your May 17, 2022 decision, licences for Mowi, Cermaq and Grieg will expire on June 30, 2022. The four-step consultation process described above would occur from July to December 2022 to inform a decision by you in January 2023 on whether or not to reissue licences in January 2023.

To initiate this process, DFO is seeking your signature on the attached letters (Tabs 2a-2f) to these companies indicating that: 1) you are of the view that a number of reasons continue to exist which do not lend support for continued salmon aquaculture activities in the area; 2) after careful consideration, in response to the recent Federal Court decision, you have decided to conduct consultations with First Nations and licence holders from July to December 2022; and, 3) you intend to make a decision in January 2023 on reissuance of licences that would be effective January 2023. An attachment to the letters describes the reasons and concerns based on which, at this time, your view is that no salmon aquaculture activities should be carried out in the area.

These three companies do not currently have fish on their sites. Mowi has been silent on expressing any plans for activity through to June 2023. Cermaq and Grieg have marked their Discovery Islands sites as fallow during this period, though Cermaq has indicated its intent to stock two of its three sites in the future, subject to reissuance of licences.

Implementation plan for Yellow Island and Saltstream licences

Yellow Island and Saltstream each operate one site in the area. Saltstream's licence expires on June 30, 2022. In December 2021, you granted Yellow Island a licence extension (and fish transfer) to August 31, 2022. Both sites are currently stocked with fish and both companies have expressed their intention to have their respective sites stocked through to at least June 2023. However, the latest information available to DFO suggests that Saltstream has fish that will reach grow-out by August 2022, whereas Yellow Island has multiple year-classes of fish on site, and if the most recent year-class is permitted to grow out to maturity, the site would need to continue operating until mid-2025.

In order to implement your May 17, 2022 decision to consult on reissuance of Yellow Island and Saltstream licences to the point of grow-out of fish currently on site, DFO proposes to reissue these licences for an interim period, until January 31, 2023. This will allow for the four step consultation process described above to occur.

Given that the Department recently conducted broad licence reissuance consultations (including for these sites) from November 2021 to March 2022 with First Nations across coastal BC in whose territories marine finfish aquaculture sites are located, and the short duration of the proposed extension to January 2023, there is a low risk associated with not conducting further consultations on these short-term licence reissuances. Further, consultation prior to June 30, 2022 would be challenging due to the limited time between now and then. The four-step consultation process described above would occur from July to December 2022 to inform a decision by you in January 2023 on whether or not to reissue licences in January 2023, consistent with the timeline for Mowi, Cermaq, and Grieg licences.

Consultations with Non-Discovery Islands First Nations

You have asked the Department to conduct consultations on Discovery Islands licences with First Nations who have an interest in wild salmon that may pass through the Discovery Islands, though their claimed territories may not include the Discovery Islands. There is currently no legal duty to consult with First Nations who do not credibly claim that the aquaculture site adversely impacts their Aboriginal rights. However, DFO employs broader engagement

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processes to assess the perspectives of others who are interested in issues but unlikely to demonstrate potential infringements of rights from Departmental decisions.

Through such engagement processes in recent years, DFO has heard from numerous First Nations in other coastal and interior areas about their views on issues related to licensing of marine finfish aquaculture. Since the former Minister's December 2020 announcement about Discovery Islands, DFO has received five letters from First Nations located in the interior of British Columbia: St'át'imc Chiefs Council, Shackan Indian Band, Nlaka'pamux Nation Tribal Council, Sto:lo Tribal Council, and Sqwá (Skwah) First Nation. These First Nations have expressed their opposition to any further salmon farming, and specifically oppose re-stocking farms in the Discovery Islands. Their concerns are based primarily on their perception of a risk to the populations of wild salmon they rely upon, which migrate through the Discovery Islands area.

More broadly, for many years the Department has heard from Indigenous groups including the First Nations Fisheries Council, the Union of BC Indian Chiefs, the First Nations Summit, and more recently the Wild Salmon Alliance. All of these groups urge DFO to ensure the protection of wild salmon stocks for the benefit of First Nations who rely upon them for food, social, ceremonial, and commercial purposes. Most First Nations with territories in the BC interior have generally commented to the Department, over many years, that they do not support the activity of marine finfish aquaculture in BC coastal waters. They have cited similar concerns about perceived risks to wild salmon described above, and a distrust of science which estimates that the aquaculture industry poses no more than a minimal risk to wild salmon populations.

Given the years of engagement on this topic, the Department is well positioned to provide adequate information related to the perspectives of BC First Nations outside the Discovery Islands area to support your decision-making on whether to reissue licences in the Discovery Islands.

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Advice, recommendations, and next steps

We recommend that you approve the proposed implementation plans as detailed above. If you concur, your signature is requested on attached letters to licence holders in the Discovery Islands (Tab 2a-2f). Your approval and signature is sought at your earliest convenience.

Once the letters are signed, the Department will send the letters, initiating consultations and communicating your plans for their licences in advance of the expiry of their current licences on June 30, 2022.



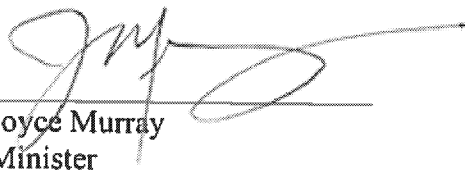
Timothy Sargent
Deputy Minister

JUN 01 2022

Lawrence Hanson
Associate Deputy Minister

I concur with the recommendations

I do not concur with the recommendations



Joyce Murray
Minister

June 10, 2022

Attachments: 8



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Deputy Minister

Sous-ministre

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2022-501-00020

MEMORANDUM FOR THE MINISTER

**Discovery Islands Reissuance or Non-Reissuance of Licences – Options for Consultation
(FOR DECISION)**

Summary

The purpose of this note is to provide you options for consultation on the decision related to the reissuance or non-reissuance of marine finfish aquaculture licences in the Discovery Islands, where licences are set to expire on June 30, 2022 (and one on August 31, 2022). A recent Federal Court decision set aside former Minister Jordan's December 2022 decision to phase out salmon aquaculture in the area through a planned non-renewal of licences upon expiry June 30, 2022 and indicated that such a phase-out must comply with procedural fairness requirements.

Four options are presented, one which charts a rapid path, two which provide a more robust consultation period -either with or without reissuing licences for the period of consultations- and a fourth option which rolls the consideration of reissuance or non-reissuance into the Net Pen Transition Plan engagement.

A decision is requested at your earliest convenience.

Background

On December 17, 2020, former Minister Jordan announced her intention to phase out existing salmon farming facilities in the Discovery Islands and that farms would be free of fish by June 30, 2022. This decision bore three components: 1) to phase out existing salmon farming facilities in the Discovery Islands by June 30, 2022, with the 18-month period ending June 30, 2022 being the last time the area would be licensed; 2) that no new fish of any size be introduced into Discovery Islands facilities during this time; and 3) that all farms be free of fish by June 30, 2022, but that existing fish at the sites could complete their growth-cycle and be harvested.

In January 2021, Mowi Canada West Inc. (Mowi), Cermaq Canada Ltd. (Cermaq), 622335 British Columbia (BC) Ltd. (owned by Saltstream Engineering Ltd. (Saltstream)), and Grieg Seafood BC Ltd. (collectively, the Applicants) each filed a Notice of Application for judicial review of the decision in the Federal Court. The individual applications were subsequently consolidated into two applications.

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Federal Court Decision

In April 2021, the Federal Court issued an injunction that prevented the Department from applying in blanket form the component of the decision related to the transfer of live fish to facilities located in the Discovery Islands. In considering transfer requests and any other licensing decisions involving the Discovery Islands, the former Minister and you have continued to consider all relevant circumstances and information including environmental factors, socio-economic factors, Indigenous considerations and representations made by the company. In six of seven subsequent transfer requests the Minister opted to deny the transfers.

The Federal Court released its decision on April 22, 2022. Ultimately, the Court deemed the December 2020 decision to be a licensing decision and quashed it on the basis of procedural fairness. The Court found that the bar for procedural fairness in coming to the decision had not been met, among other things given the legitimate expectation industry would have had that they would be consulted on the potential decision if the (former) Minister were contemplating non-reissuance. Quashing of the decision means that it is of no force and effect. The Court held that the April 2021 injunction remained in effect. The Court also stressed that when administrative decision-makers (including the Minister when making administrative decisions under the *Fisheries Act*) depart from the recommended course of action, they must provide detailed reasons for their decisions.

Should you, as Minister, wish to proceed with an option of non-reissuance, a four step process would need to be followed:

1. a notice of an anticipated refusal to renew would need to be given to each licence holder, prior to the making of the decision. The notice would need to clearly and thoroughly indicate the particular reasons why a refusal is contemplated, so as to allow licence holders to understand the concerns that would lead to a refusal;
2. licence holders would need to be provided with a meaningful opportunity to respond to these concerns;
3. decisions would need to take into account the relevant responses received from licence holders; and,
4. decisions would need to be justified in writing. Reasons would need to be provided, including the particular reasons why licence holders' responses would not suffice to justify a decision different to the one contemplated at the outset.

Developments since December 2020 Decision

There have been some developments in the situation in the Discovery Islands since the previous Minister made her decision. At present all but two facilities are free of fish, with two small facilities culturing Chinook salmon remaining. Cermaq has negotiated further agreements with First Nations in the Discovery Islands area, and is in the process of transferring tenures for at least two of their sites to First Nations. Mowi Canada West opted to close their Dalrymple Hatchery on Vancouver Island which supplied smolts for these licences. Through the BC Salmon Farmers Association, Mowi recently stated that they will consult with First Nations before determining whether or not they will seek to have licences in the Discovery Islands reissued. Of note, five of Mowi's tenures are currently on month-to-month renewals, and will be subject to

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British Columbia's policy requiring that agreements be developed with First Nations as a condition of tenure renewal after June 30, 2022.

Analysis and considerations

Rationale for Consultation on Reissuance or Non-Reissuance

You have conveyed to the Department a number of key considerations (Tab 1) that should inform the decision about the issuance or non-reissuance of aquaculture licences in the Discovery Islands. This includes the potential of elevated risk posed by these farms as referenced in the report of the Cohen Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River. You have emphasized the unique risks posed by the location of the Discovery Islands farms along the route of out-migrating Fraser River sockeye smolts and the unique ecologically significant features of the many channels in the Discovery Islands that are important to migrating salmon. You have also noted your concern about the potential cumulative impacts which aquaculture activities may pose to migrating Fraser River sockeye smolts, considering the depleted state of numerous wild Fraser River salmon stock populations. You have expressed the perspective that, due to the uniqueness of the Discovery Islands area and public interest in this area, you may wish to exercise your authority related to section 2.5 of the *Fisheries Act*, which allows you to consider, among other things social, economic and cultural factors in the management of fisheries. Per the recent court decision, substantive consultation is required on your potential consideration of non-reissuance (including reasons), which will result in your decision to reissue or not reissue licences. This consultation must be undertaken with an open mind to the decision, and will inform your decision on whether or not to reissue licences.

Science or Conservation Advice

On September 28, 2020, the Department announced completion of nine scientific peer-reviewed risk assessments conducted in response to the Cohen Commission's Recommendation 19, regarding the risk to Fraser River Sockeye salmon from diseases that occur in Atlantic salmon farms in the Discovery Islands. The scientific risk assessments concluded that the transfer of these pathogens pose a minimal risk to the abundance and diversity of migrating Fraser River Sockeye salmon in the area. Research underway since the completion of the Discovery Islands risk assessments has continued and several papers further describing those potential impacts on wild Pacific salmon have been published or are in preparation for publication. As this new body of information is published, in addition to the existing weight of evidence, it is considered in our management approaches and a reconsideration of risk on wild migrating salmon will need to be consider to support future decisions.

Options

Four options are presented, one of which charts a rapid consultation path, two with more robust consultations – either with or without reissuing licences for the period of consultations, and a final option renews licences and rolls future consideration of issuance or non reissuance into the Net Pen Transition Plan. A subset option to consider licensing two independent Chinook-producing operations is also provided.

[REDACTED]

s.21(1)(a)

s.21(1)(b)

s.23

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Option 1 – Consideration of Licences prior to June 2022

In this option, you would consult immediately on your proposed intention not to renew licences, to inform a final licensing decision to be made by June 30, 2022. You would collect information from stakeholders, licence holders and First Nations related to your proposed intention and its rationale, to inform a decision related whether or not to reissue salmon aquaculture licences in the Discovery Islands area.

Consultations in 2020 shared science information from risk assessments conducted as a result of Cohen Commission Recommendation 19, but did not provide information that would have led First Nations or stakeholders to understand that non-reissuance of licences and an immediate cessation to the fish transfers to the area was being contemplated. New consultations would clarify that non-reissuance is being considered and will invite not only First Nations, but also licence holders to provide perspectives on this possibility. It will be important that this consultation include consultation on the rationale of why you are contemplating non-reissuance. It should be noted that the perspectives of some First Nations have evolved during this time and they are likely to be more supportive of marine finfish aquaculture than previously communicated. In this scenario it is recommended that you personally participate in consultations, in order to assess whether your concerns related to the Discovery Islands would justify non-reissuance of licences in June 2022.

It should be noted that one of the recurring complaints the Department heard during its fall 2020 consultations with First Nations on the licence reissuance was that the consultation period was too short to be meaningful. In that instance, consultations were three months in duration. The present case is proposing consultations that will be no more than 2.5 weeks, and as such, this option is likely to be viewed negatively by industry and most First Nations.

Option 2 – Licences Not Reissued, with More Robust Consultation on Issuance or Reissuance

In this option, the Department would not reissue licences and instead let them expire on June 30, 2022 (and one on August 31, 2022). Consultations would occur until December 2022, in anticipation of a decision to reissue or not reissue licences in January 2023. In the Department's view, this is the minimum amount of time that would be required to conduct consultations.

s.21(1)(a)

s.21(1)(b)

s.23

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[REDACTED] Similarly to the previous options, you would signal that you are contemplating (further) non-reissuance of licences effective December 2022, with an explanation of your reasons for doing so.

This approach adds additional reputational risk as the implications of non-reissuance while continuing consultations could give the perception of forbearing on unlicensed facilities (as companies remain unlicensed as they await a final decision, but still, for example, may have farm infrastructure at their sites). Other operational implications of this approach are not yet well understood and are still being considered by the Department. This option also creates a challenge for Saltstream as of June 30, and Yellow Island as of August 31, 2022, which have fish on site. Non-renewal for these facilities would necessitate removal of fish by the date of the licence expiry, despite consultations on licence renewals being ongoing.

[REDACTED] However, by extending the time for the consultation process, the Department would have more time to complete the four-step process required to demonstrate procedural fairness. This extra time would allow for a more meaningful exchange about the Minister's rationale, and would allow for that deeper consultation than possible under the short timelines set out in Option 1.

Option 3 – Licences Reissued, with More Robust Consultation on Issuance or Reissuance

This option mirrors option 2 with the exception that in this option, the Department would reissue licences for an additional six months (until December 2022) and initiate a consultation process with licence holders and First Nations during this time, in anticipation of a decision to reissue or not reissue licences in January 2023.

Over the last two years, the Department has clearly communicated its intent to not move forward with allowing salmon aquaculture in the Discovery Islands area; however these communications did not provide a clear rationale for non-reissuance, and all of this was done in the context of implementing a decision that now stands invalidated by the Federal Court. Under this option, as above, you would signal that you are contemplating non-reissuance of licences effective December 2022, with an explanation of your reasons for doing so, and provide an adequate period of time to consult with industry (to meet your duty of procedural fairness), stakeholders, and First Nations,

Requests to transfer fish into Discovery Islands sites licenced until December 2022 would need to be individually consulted on based upon their relative merits.

s.21(1)(a)

s.21(1)(b)

s.23

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[REDACTED]

On the other hand, risk could potentially be mitigated if the cultivation of fish is allowed to occur. However, it remains unclear: i) why licences in the Discovery Islands area would be treated differently than licences in other areas of BC, and; ii) whether a period of six months would allow for activities of cultivation of fish to occur.

[REDACTED] (see Tab 2).

Option 4 – The Net Pen Transition Option

In this option, the Department would roll licence renewal decisions and discussions about the future of licensing into the Discovery Islands into the broader Net Pen Transition Plan. Past departmental guidance on the Discovery Islands has been to recommend continued aquaculture activity in the area, supported by science advice, which, as previously mentioned, has concluded that the transfer of pathogens pose a minimal risk to the abundance and diversity of migrating Fraser River Sockeye salmon in the area. This option would permit sufficient consultation and engagement on longer-term licensing in the area, the development of a plan for transition, aligning with the Department's broader approach to explore transition across all areas along the BC coastline, and allow more collaborative discussions to take place under the auspices of the Transition Plan.

Optional Consideration – Reissue licences to Saltstream and Yellow Island (applicable to options 1, 2 and 3)

A further option that may be considered in conjunction with options 1 through 3 is to continue licensing Saltstream and Yellow Island for their respective sites, given they are not culturing Atlantic salmon, but rather Chinook. Chinook salmon are native to the area and more socially acceptable in British Columbia than the non-native Atlantic salmon. Saltstream and Yellow Island are also small, independent operators, compared with their Atlantic-producing counterparts operating in the Discovery Islands. Tab 3 provides more detail on Saltstream and Yellow Island's operations, including First Nations perspectives.

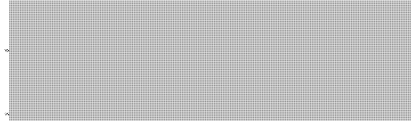
[REDACTED]

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Advice, recommendations, and next steps

The next step is for you to provide a decision on your desired option. A decision is required at your earliest convenience.



Timothy Sargent
Deputy Minister

Lawrence Hanson
Associate Deputy Minister

I authorize option 1.

I authorize option 2.

I authorize option 3.

I authorize option 4.

In addition to my choice above, my intent is to consult on the reissuance of Yellow Island and Saltstream licences to the point of grow out of fish currently on site (as per Tab 3).

Joyce Murray
Minister

May 17, 2022

Attachments: 3

Tab 1

SECRET

Tab 1: Minister's Stated Considerations for Non-Reissuance of Marine Finfish Aquaculture Licences in the Discovery Islands

British Columbians have a perception that there is something about the Discovery Islands which makes the area unique and special. You have expressed the perspective that the social interest and concern related to Fraser River sockeye salmon migrating through this area is significant to a degree that would necessitate you using your discretionary authority related to consideration of social, economic and cultural factors in the management of fisheries, and therefore provides a rationale to consider the non-reissuance of aquaculture licences in the Discovery Islands.

The sections below further articulate in more detail of some of the concerns, considerations and rationale that you have conveyed.

Uncertainties related to cumulative effects

While the final report of the Cohen Commission, *The Uncertain Future of Fraser River Sockeye*, released in October 2012 did not find any single factor leading to decreased Pacific salmon stocks, Justice Cohen concluded that net-pen salmon aquaculture in the Discovery Islands "poses a risk of serious harm to Fraser River sockeye through the transfer of diseases and pathogens" but that existing scientific data at the time was insufficient to determine the extent and likelihood of that harm. Justice Cohen recommended that a series of risk assessments be completed regarding the risk to Fraser River Sockeye salmon from diseases that occur in Atlantic salmon farms in the Discovery Islands. Nine scientific risk assessments (completed in September 2020) found that the transfer of these pathogens pose a minimal risk to abundance and diversity of migrating Fraser River Sockeye salmon in the area.

The public has expressed concern that additional potential stressors and impacts not related to aquaculture may exacerbate negative impacts on salmon, which in turn should inform management of aquaculture. Pacific salmon productivity and abundance can be affected by the cumulative effects of several factors, including climate change, habitat loss and degradation, fishing pressure, predation, aquaculture operations and other anthropogenic stressors. However, the relative importance of individual factors is difficult to determine because of the complexity and interaction amongst factors. Given the complexity and interactions associated with cumulative effects, this represents an area where there are knowledge gaps and uncertainties. Understanding uncertainties is an important component in informing risk-based decisions, and identifying key uncertainties also helps to inform future research priorities.

In the context of this uncertainty, the public has raised concern regarding the broad suite of risks faced by migrating juvenile salmon, resulting in additional scrutiny placed upon the management of aquaculture in the Discovery Islands. These issues continue to be expressed as a key concern voiced by Rights holders, First Nations and stakeholders broadly on the status of wild salmon. Within this context, you have expressed that it is your duty to act in a manner that reduces risk to the maximum extent possible.

Emergence of new research and findings

SECRET

Research underway since the completion of the Discovery Islands risk assessments has continued and several papers further describing potential impacts on wild Pacific salmon have been published or are in preparation for publication. As this new body of information is published, you have expressed that it is important to consider this new information in the Department's management approaches and ongoing reconsideration of risk on wild migrating salmon will need to be considered to support future management decisions.

Importance of the Discovery Islands for migrating juvenile salmon

You have noted that Fraser River sockeye salmon migrate through a series of complex of narrow passages in the Discovery Islands, on their way to the North Pacific. It is understood that Okisollo channel is an ecologically significant marine area for marine resources relied upon by First Nations in the area. The Department is aware that the channel contains extensive clam beds, crab and prawn harvesting sites and rockfish, lingcod and dogfish stocks. Some First Nations point to a need to take all measures required (including the possible removal of salmon farms in the area), to limit any potential risk posed to wild salmon and their culture, identity and security of First Nations. In previous consultations, some First Nations expressed concern about having farms stocked during the migration of juvenile salmon and made particular reference to the Okisollo Channel area where they were interested in having farms fallowed in advance of the salmon smolt out-migration.

You have noted that the migratory nature of Fraser River sockeye salmon is complex. Not all the channels are used by all fish, and not all the channels have aquaculture facilities. Research related to migratory patterns have noted that these fish swim through this area quite quickly (1-2 days) and typically fish spend less than 10 minutes in the immediate vicinity of a farm, so exposure likelihood is relatively low. However, the complexity of issues related to migratory patterns, and how those patterns intersect with exposure to aquaculture facilities, and the resulting risks, has to be considered as a part of a risk-based decision process.

Depleted state of Wild pacific salmon

A number of BC wild salmon populations continue to decline at a rapid rate, resulting in poor status of wild salmon stocks including many that migrate through the Discovery Islands area, you have articulated that a more risk-averse or precautionary approach must consider further measures to limit any potential interaction between wild fish and marine finfish aquaculture. In previous consultations and meetings with the Department First Nations, stakeholders and conservation organizations emphasized their perspective that given their critically low levels, wild salmon may be unable to withstand additional stressors from fish farms. Thus they urged urgent action to limit any incremental impacts from salmon farms on wild salmon stocks.

Considering the above perspectives, you have expressed the need to consider more broad social, economic and cultural factors relating to general public concern about potential impacts of salmon aquaculture into account when making decisions under the *Fisheries Act*.

Tab 2

**Pages 32 to / à 38
are withheld pursuant to section
sont retenues en vertu de l'article**

23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Tab 3

Tab 3 – Summary of Chinook Salmon Licensed Facilities in the Discovery Islands

Overview

Operating within the Discovery Islands are two independent operators, Yellow Island Aquaculture Ltd. (Yellow Island), which operates facility 216, East of Maude Island, and 622335 British Columbia Ltd. (Saltstream), which operates facility 456, Doctor Bay. These two operators currently culture Chinook salmon exclusively at their respective facilities. These two companies are the only operators in the Discovery Islands area who still have fish in their facilities. Licence-specific details and maps are presented for each facility (at the end of this document).

First Nations Perspectives

The known perspectives from the seven First Nations on these two aquaculture operations arise from consultations conducted in spring and fall 2021 on the East of Maude Island and Doctor Bay transfer requests, and the November 2021 – March 2022 licence reissuance consultations (for June 2022 reissuance) with all First Nations in British Columbia on marine finfish farms in their claimed territories.

Homalco First Nation expressly opposed fish transfer request at both facilities in spring 2021 (for Doctor Bay) and fall 2021 (for East of Maude Island). This aligns with their December 2020 position opposing continued salmon aquaculture in the Discovery Islands. Homalco provided no response to consultations on licence reissuance in this area.

Tla'amin First Nation signed alongside Homalco First Nation in their opposition to the spring 2021 fish transfer request for the Doctor Bay facility, but were silent in responding to consultations on the proposed fish transfer at East of Maude Island. Tla'amin provided feedback in March 2022 on licence reissuance, conveying that still do not approve of marine finfish farms in their territory, and noting concerns that the farms impact the health of wild salmon.

K'ómoks First Nation sent a blanket response in May 2021 expressing opposition to any future fish transfer requests in the Discovery Islands. This response was relevant for the consultations on the transfer request by Yellow Island only. K'ómoks First Nation does not claim territory in the area where the Doctor Bay facility is located. K'ómoks provided no response to consultations on licence reissuance in this area.

We Wai Kai First Nation claims territory where both sites are located but provided no response to consultations on the fish transfer requests or any other consultations relating to licence reissuance in this area. We Wai Kai provided no response to consultations on licence reissuance in this area.

Wei Wai Kum First Nation claims territory where both sites are located but provided no response to consultations on the fish transfer requests or any other consultations relating to licence reissuance in this area. Wei Wai Kum provided no response to consultations on licence reissuance in this area.

Klahoose First Nation claims territory where the Doctor Bay site is located but provided no response to consultations on this fish transfer request or consultations relating to licence reissuance in this area.

Kwiakah First Nation does not claim territory where either the Doctor Bay and East of Maude Island sites are located.

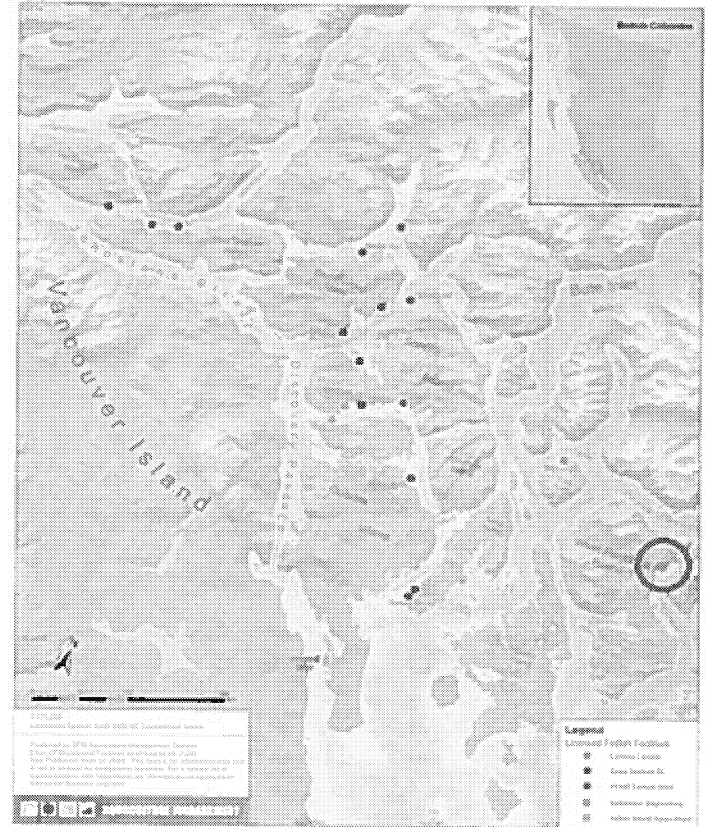
s.20(1)(b)

Appendix 1 – Site-Specific Details and Maps

Doctor Bay (Saltstream Engineering), Facility 456

Location:	50°15.126'N 124°49.1742'W
Species licensed:	Atlantic salmon, Chinook salmon, Coho salmon, Sablefish
Species currently producing:	Chinook salmon
Current inventory:	[REDACTED]
Harvest projections:	[REDACTED]
Site and production considerations:	<p>Production fish entered in June 2020, ready for harvest in July 2022</p> <ul style="list-style-type: none"> - Small farm/low production numbers: minimal benthic (seabed) impacts, reduced number of fish with potential pathogens/pathogen spread, no history of mammal interactions - Chinook production: low levels of sea lice which do not require treatment or management, native species increases genetic or ecological risk in escape event - Small independent company: Canadian owned and operated, little local employment opportunities or economic contribution, limited investment potential for site improvements, maintenance, and monitoring - Fish health: there is very little reported mortality and good fish health at this site, likely due in part to low stocking densities and husbandry practices.

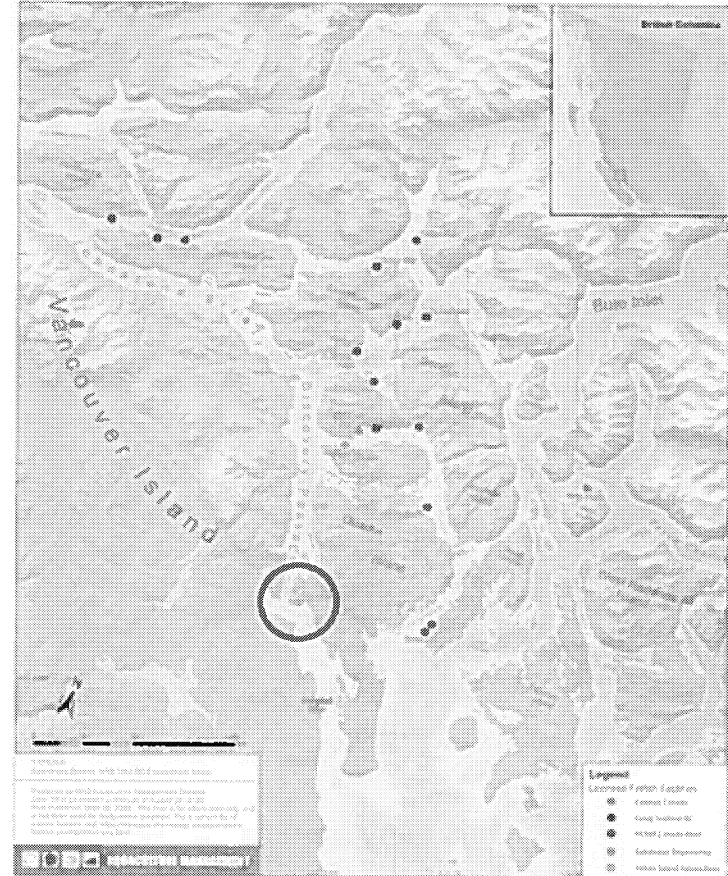
BC Marine Finfish Aquaculture Facilities, Discovery Islands



Yellow Island, Facility 216

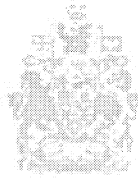
Location:	50°7.9644'N 125°19.9608'W
Species licensed:	Chinook salmon, Sablefish
Species currently producing:	Chinook salmon
Current inventory:	[REDACTED]
Harvest projections:	Facility typically harvests fish in 5th year but harvest could be expedited. Current licence has been extended to end of August 2022 to allow for completion of research project.
Site and production considerations:	<ul style="list-style-type: none"> - Small farm/low production numbers: minimal benthic (seabed) impacts, reduced number of fish with potential pathogens/pathogen spread, no history of mammal interactions - Research: used, in part, as a Research facility, investigating the effects of pre-biotics and probiotics on diploid and triploid Chinook salmon, supported by Natural Sciences and Engineering Research Council of Canada (NSERC) and the universities of Waterloo, Windsor, and Western Ontario. As of fall 2021, Yellow Island had contributed \$16,000 in cash and over \$100,000 in-kind to this research. - Chinook production: low levels of sea lice which do not require treatment or management, native species increases genetic or ecological risk in escape event, multiple number of age classes on site which can increase risk of disease transmission - Small independent company: Canadian owned and operated, little local employment opportunities or economic contribution, limited investment potential for site improvements, maintenance, and monitoring - Fish health: there is very little reported mortality and good fish health at this site, likely due in part to low stocking densities and husbandry practices.

BC Marine Finfish Aquaculture Facilities, Discovery Islands



s.19(1)

Minister of
Fisheries and Oceans



Ministre des
Pêches et des Océans

Ottawa, Canada K1A 0E6

June 10, 2022

Mowi Canada West Inc.
1046 Cedar Street,
Campbell River, BC
V9W 7E2

Attention: [REDACTED]

Dear [REDACTED]

On April 22, 2022, the Federal Court set aside former Minister Bernadette Jordan's December 2020 decision to phase out salmon aquaculture in the Discovery Islands by June 30, 2022. Your company currently holds licences for the following sites in the area: Phillips Arm (Facility 78), Lees Bay (Facility 100), Okisollo (Sonora Island) (Facility 211), Bickley Bay (Facility 377), Thurlow Point South (Facility 378), Sonora Point (Facility 380), Brougham Point (Facility 388), Cyrus Rock (Facility 733), Young Passage (Facility 769), Chancellor Channel (Facility 790), and Hardwicke (Facility 1581). I understand that there are currently no fish being cultivated at these facilities.

I am of the view that a number of reasons and concerns, described in further detail as an attachment to this letter, continue to exist which do not lend support for continued salmon aquaculture activities in the area. Based on those reasons and concerns, it is my view at this time that no salmon aquaculture activities should be carried out in the area, including at the sites mentioned above.

I am fully aware of the recent Federal Court decision. I acknowledge that phasing-out salmon aquaculture activities at these sites requires a fair process whereby Mowi Canada West Inc. is granted a meaningful opportunity to provide comments on my concerns. I would not do things otherwise.

The fact that the Federal Court released its decision ten weeks before the expiry of the licences issued for your sites complicates things from a fairness point of view. I am sure you will agree that in the existing circumstances, an expedited consultative process of only a few weeks would hardly be fair. I think we must take the time required to do things properly.

.../2

Canada

-2-

I have decided to conduct consultations with First Nations and licence holders from July to December 2022. These consultations will inform a decision I would make in January 2023 on whether to reissue licences in the Discovery Islands area, including the licences described above, that would be effective in January 2023.

I have asked my staff to begin consultations in July. It is my intention that these consultations be fair and comprehensive, and offer both First Nations and industry the opportunity to be heard and respond to each other's concerns and to my concerns. I invite and welcome your participation in this process to support an informed reissuance decision in January 2023.

As a reissuance decision will not be made until January 2023, I am not calling upon my counterparts in the Government of British Columbia to require decommissioning of Discovery Islands sites at this time. Unless an operator elects to decommission these sites more immediately, my recommendation on decommissioning to the Government of British Columbia will be to defer their decision until after my decision is rendered in January 2023.

If you have any further questions or concerns, please contact Brenda McCorquodale, Director, Aquaculture Management Pacific Region, at Brenda.McCorquodale@dfo-mpo.gc.ca.

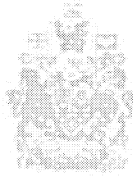
Yours sincerely,



The Honourable Joyce Murray
Minister of Fisheries, Oceans and the Canadian Coast Guard

Attachment: 1

Minister of
Fisheries and Oceans



Ministre des
Pêches et des Océans

Ottawa, Canada K1A 0E6

June 10, 2022

Cermaq Canada
#203-919 Island Hwy
Campbell River, BC
V9W 2C2

Attention: [REDACTED]

Dear [REDACTED]

On April 22, 2022, the Federal Court set aside former Minister Bernadette Jordan's December 2020 decision to phase out salmon aquaculture in the Discovery Islands by June 30, 2022. Your company currently holds licences for the following sites in the area: Raza Island (Facility 304), Venture Point (Facility 306), and Brent Island (Facility 1401). I understand that there are currently no fish being cultivated at these facilities.

I am of the view that a number of reasons and concerns, described in further detail as an attachment to this letter, continue to exist which do not lend support for continued salmon aquaculture activities in the area. Based on those reasons and concerns, it is my view at this time that no salmon aquaculture activities should be carried out in the area, including at the sites mentioned above.

I am fully aware of the recent Federal Court decision. I acknowledge that phasing-out salmon aquaculture activities at these sites requires a fair process whereby Cermaq Canada is granted a meaningful opportunity to provide comments on my concerns. I would not do things otherwise.

The fact that the Federal Court released its decision ten weeks before the expiry of the licences issued for your sites complicates things from a fairness point of view. I am sure you will agree that in the existing circumstances, an expedited consultative process of only a few weeks would hardly be fair. I think we must take the time required to do things properly.

I have decided to conduct consultations with First Nations and licence holders from July to December 2022. These consultations will inform a decision I would make in January 2023 on whether to reissue licences in the Discovery Islands area, including the licences described above, that would be effective in January 2023.

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Canada

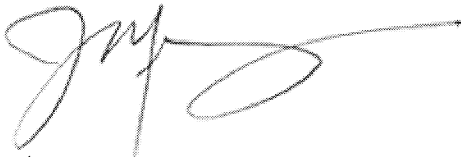
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I have asked my staff to begin consultations in July. It is my intention that these consultations be fair and comprehensive, and offer both First Nations and industry the opportunity to be heard and respond to each other's concerns and to my concerns. I invite and welcome your participation in this process to support an informed reissuance decision in January 2023.

As a reissuance decision will not be made until January 2023, I am not calling upon my counterparts in the Government of British Columbia to require decommissioning of Discovery Islands sites at this time. Unless an operator elects to decommission these sites more immediately, my recommendation on decommissioning to the Government of British Columbia will be to defer their decision until after my decision is rendered in January 2023.

If you have any further questions or concerns, please contact Brenda McCorquodale, Director, Aquaculture Management Pacific Region, at Brenda.McCorquodale@dfo-mpo.gc.ca.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Murray', with a long horizontal flourish extending to the right.

The Honourable Joyce Murray
Minister of Fisheries, Oceans and the Canadian Coast Guard

Attachment: 1

Minister of
Fisheries and Oceans



Ministre des
Pêches et des Océans

Ottawa, Canada K1A 0E6

June 10, 2022

Grieg Seafood BC Ltd.
106-1180 Ironwood Street,
Campbell River, BC
V9W 5P7

Attention: [REDACTED]

Dear [REDACTED]

On April 22, 2022, the Federal Court set aside former Minister Bernadette Jordan's December 2020 decision to phase out salmon aquaculture in the Discovery Islands by June 30, 2022. Your company currently holds a licence for Facility 871, Barnes Bay, Sonora Island. I understand that there are currently no fish being cultivated at this facility.

I am of the view that a number of reasons and concerns, described in further detail as an attachment to this letter, continue to exist which do not lend support for continued salmon aquaculture activities in the area. Based on those reasons and concerns, it is my view at this time that no salmon aquaculture activities should be carried out in the area, including at the sites mentioned above.

I am fully aware of the recent Federal Court decision. I acknowledge that phasing-out salmon aquaculture activities at these sites requires a fair process whereby Grieg Seafood BC Ltd. is granted a meaningful opportunity to provide comments on my concerns. I would not do things otherwise.

The fact that the Federal Court released its decision ten weeks before the expiry of the licences issued for your sites complicates things from a fairness point of view. I am sure you will agree that in the existing circumstances, an expedited consultative process of only a few weeks would hardly be fair. I think we must take the time required to do things properly.

I have decided to conduct consultations with First Nations and licence holders from July to December 2022. These consultations will inform a decision I would make in January 2023 on whether to reissue licences in the Discovery Islands area, including the licence described above, that would be effective in January 2023.

.../2

Canada

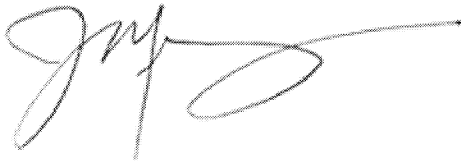
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I have asked my staff to begin consultations in July. It is my intention that these consultations be fair and comprehensive, and offer both First Nations and industry the opportunity to be heard and respond to each other's concerns and to my concerns. I invite and welcome your participation in this process to support an informed reissuance decision in January 2023.

As a reissuance decision will not be made until January 2023, I am not calling upon my counterparts in the Government of British Columbia to require decommissioning of Discovery Islands sites at this time. Unless an operator elects to decommission these sites more immediately, my recommendation on decommissioning to the Government of British Columbia will be to defer their decision until after my decision is rendered in January 2023.

If you have any further questions or concerns, please contact Brenda McCorquodale, Director, Aquaculture Management Pacific Region, at Brenda.McCorquodale@dfo-mpo.gc.ca.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'JM', with a long horizontal flourish extending to the right.

The Honourable Joyce Murray
Minister of Fisheries, Oceans and the Canadian Coast Guard

Attachment: 1

s.19(1)

Minister of
Fisheries and Oceans



Ministre des
Pêches et des Océans

Ottawa, Canada K1A 0E6

June 10, 2022

622335 British Columbia Ltd. (Saltstream)
150 Fifth Avenue
Campbell River, BC,
V9W 3X3

Attention: [REDACTED]

Dear [REDACTED]

On April 22, 2022, the Federal Court set aside former Minister Bernadette Jordan's December 2020 decision to phase out salmon aquaculture in the Discovery Islands by June 30, 2022. Your company currently holds a licence in the area for Facility 456, Doctor Bay. In addition, on April 27, 2022, the Federal Court set aside Minister Jordan's refusal of Saltstream's application for a licence to transfer 10,000 live Chinook salmon in that facility.

I am of the view that a number of reasons and concerns, described in further detail as an attachment to this letter, continue to exist which do not lend support for continued salmon aquaculture activities in the area. Based on those reasons and concerns, it is my view at this time that no salmon aquaculture activities should be carried out in the area, including at the site mentioned above.

However, because of your particular circumstances, in which you operate a smaller facility, I have decided to reissue you a licence to January 31, 2023 to permit the grow-out of all remaining fish at your facility to maturity and to permit further consultations with First Nations and your company from July to December 2022, to inform a decision I intend to make in January 2023 on reissuance beyond that date.

I am fully aware of the Federal Court decisions released in April 2022. I acknowledge that phasing-out salmon aquaculture activities at this site requires a fair process whereby Saltstream is granted a meaningful opportunity to provide comments on my concerns. I would not do things otherwise.

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Canada

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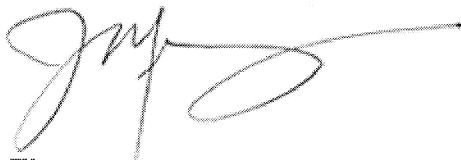
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From July to December 2022, I have asked staff to conduct further consultations with First Nations and licence holders on whether to reissue licences in the Discovery Islands area, including the licence described above. These consultations will inform a decision I intend to make in January 2023 on reissuance beyond that date.

It is my intention that these consultations be fair and comprehensive, and offer both First Nations and industry the opportunity to be heard and respond to each other's concerns and to my concerns. I invite and welcome your participation in this process to support an informed reissuance decision in January 2023.

If you have any further questions or concerns, please contact Brenda McCorquodale, Director, Aquaculture Management Pacific Region, at Brenda.McCorquodale@dfo-mpo.gc.ca.

Yours sincerely,

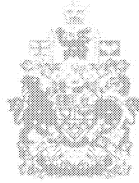
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The Honourable Joyce Murray
Minister of Fisheries, Oceans and the Canadian Coast Guard

Attachment: 1

s.19(1)

Minister of
Fisheries and Oceans



Ministre des
Pêches et des Océans

Ottawa, Canada K1A 0E6

June 10, 2022

Yellow Island Aquaculture Ltd.
Box 340
Herriot Bay, BC,
V0P 1H0

Attention: [REDACTED]

Dear [REDACTED]

On April 22, 2022, the Federal Court set aside former Minister Bernadette Jordan's December 2020 decision to phase out salmon aquaculture in the Discovery Islands by June 30, 2022. Your company currently holds a licence in the area for Facility 216, East of Maude Island.

I am of the view that a number of reasons and concerns, described in further detail as an attachment to this letter, continue to exist which do not lend support for continued salmon aquaculture activities in the area. Based on those reasons and concerns, it is my view at this time that no salmon aquaculture activities should be carried out in the area, including at the site mentioned above.

However, because of your particular circumstances, in which you operate a smaller facility with a focus on research, I have decided to reissue you a licence to January 31, 2023, and to permit further consultations with First Nations and your company from July to December 2022, to inform a decision I intend to make in January 2023 on reissuance beyond that date and potentially for the period necessary to grow out all remaining fish at your facility to maturity, which I understand may be to summer 2025.

I am fully aware of the Federal Court decision released in April 2022. I acknowledge that phasing-out salmon aquaculture activities at this site requires a fair process whereby Yellow Island Aquaculture Ltd. is granted a meaningful opportunity to provide comments on my concerns. I would not do things otherwise.

I have asked my staff to begin consultations in July on whether to reissue licences in the Discovery Islands area, including the licence described above. It is my intention that these consultations be fair and comprehensive, and offer both First Nations and industry the opportunity to be heard and respond to each other's concerns and to my concerns.

.../2

Canada

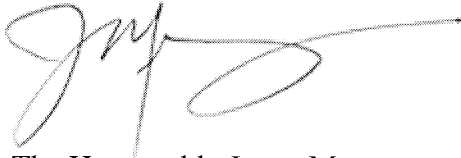
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These consultations will inform a decision I intend to make in January 2023 on reissuance beyond that date. I invite and welcome your participation in this process to support an informed reissuance decision in January 2023.

If you have any further questions or concerns, please contact Brenda McCorquodale, Director, Aquaculture Management Pacific Region, at Brenda.McCorquodale@dfo-mpo.gc.ca.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'JM', with a long horizontal flourish extending to the right.

The Honourable Joyce Murray
Minister of Fisheries, Oceans and the Canadian Coast Guard

Attachment: 1

Attachment 1

Minister's Stated Considerations for Non-Reissuance of Salmon Aquaculture Licences in the Discovery Islands

British Columbians have a perception that there is something about the Discovery Islands which makes the area unique and special. I am of the opinion that the social interest and concern related to Fraser River sockeye salmon migrating through this area is significant to a degree that would justify using my discretionary authority related to consideration of social, economic and cultural factors in the management of fisheries as a rationale to consider the non-reissuance of aquaculture licences in the Discovery Islands.

The sections below articulate some of the specific concerns, considerations and rationale that relate to my consideration not to reissue licences.

Uncertainties related to cumulative effects

While the final report of the Cohen Commission, *The Uncertain Future of Fraser River Sockeye*, released in October 2012 did not find any single factor leading to decreased Pacific salmon stocks, Justice Cohen concluded that net-pen salmon aquaculture in the Discovery Islands “poses a risk of serious harm to Fraser River sockeye through the transfer of diseases and pathogens” but that existing scientific data at the time was insufficient to determine the extent and likelihood of that harm. Justice Cohen recommended that a series of risk assessments be completed regarding the risk to Fraser River Sockeye salmon from diseases that occur in Atlantic salmon farms in the Discovery Islands. Nine scientific risk assessments (completed in September 2020) found that the transfer of these pathogens pose a minimal risk to abundance and diversity of migrating Fraser River Sockeye salmon in the area.

Many Canadians continue to be concerned that additional potential stressors and impacts not related to aquaculture may exacerbate even minimal potential negative impacts on salmon which could be attributed to marine finfish aquaculture. Pacific salmon productivity and abundance can be affected by the cumulative effects of several factors, including climate change, habitat loss and degradation, fishing pressure, predation, aquaculture operations and other anthropogenic stressors. The relative importance of individual factors is difficult to determine because of the complexity and interaction amongst factors. Given the complexity and interactions associated with cumulative effects, this represents an area where there are knowledge gaps and uncertainties. Understanding uncertainties is an important component in informing risk-based decisions, and identifying key uncertainties also helps to inform future research priorities.

In the context of this uncertainty, the public has raised concern regarding the broad suite of risks faced by migrating juvenile salmon, resulting in additional scrutiny placed upon the management of aquaculture in the Discovery Islands. These issues continue to be expressed as a key concern voiced by Rights holders, First Nations and stakeholders broadly on the status of wild salmon. Within this context, I feel that it is my duty to act in a manner that reduces risk to the maximum extent possible.

Emergence of new research and findings

Research underway since the completion of the Discovery Islands risk assessments has continued and several papers further describing potential impacts on wild Pacific salmon have been published or are in preparation for publication. Canadians are interested in this research and want

Attachment 1

Minister's Stated Considerations for Non-Reissuance of Salmon Aquaculture Licences in the Discovery Islands

to know that it is being considered in Departmental decision-making. As this new body of information is published, it is important to consider this new information in the Department's management approaches, and ongoing reconsideration of risk on wild migrating salmon will need to be considered to support future management decisions.

Importance of the Discovery Islands for migrating juvenile salmon

Fraser River sockeye salmon migrate through a series of complex of narrow passages in the Discovery Islands, on their way to the North Pacific. It is understood that Okisollo channel is an ecologically significant marine area for marine resources relied upon by First Nations in the area. The Department is aware that the channel contains extensive clam beds, crab and prawn harvesting sites and rockfish, lingcod and dogfish stocks. Some First Nations point to a need to take all measures required (including the possible removal of salmon farms in the area), to limit any potential risk posed to wild salmon and their culture, identity and security of First Nations. In previous consultations, some First Nations expressed concern about having farms stocked during the migration of juvenile salmon and made particular reference to the Okisollo Channel area where they were interested in having farms fallowed in advance of the salmon smolt out-migration.

The migratory nature of Fraser River sockeye salmon is complex. Not all the channels are used by all fish, and not all the channels have aquaculture facilities. Research related to migratory patterns have noted that these fish swim through this area quite quickly (1-2 days) and typically fish spend less than 10 minutes in the immediate vicinity of a farm, so exposure likelihood is relatively low. However, the complexity of issues related to migratory patterns, and how those patterns intersect with exposure to aquaculture facilities, and the resulting risks, has to be considered as a part of a risk-based decision process.

Depleted state of Wild pacific salmon

A number of BC wild salmon populations continue to decline at a rapid rate, resulting in poor status of wild salmon stocks including many that migrate through the Discovery Islands area. A risk-averse or precautionary approach must consider further measures to limit potential interactions between wild fish and marine finfish aquaculture. In previous consultations and meetings with the Department, First Nations, stakeholders and conservation organizations emphasized their perspective that given their critically low levels, wild salmon may be unable to withstand additional stressors from fish farms. Thus they urged urgent action to limit any incremental impacts from salmon farms on wild salmon stocks.

Considering the above perspectives, I am of the opinion that, as Minister, I need to consider more broad social, economic and cultural factors relating to general public concern about potential impacts of salmon aquaculture into account when making decisions under the *Fisheries Act*.

Discovery Islands – Critical Path for “Option 2” – Non-reissuance in June 2022 with Consultations from July to December 2022 on future licensing

Option 2: Longer Consultation Period until December 2022 without Licence Reissuance	
Date	Activities
May 20, 2022	<ul style="list-style-type: none"> - Process proceeds without the intent to re-licence, and licences expire June 30, 2022, while consultation continues to December 2022.
June 3, 2022	<ul style="list-style-type: none"> - Minister sends letters to Discovery Islands licence holders Mowi, Cermaq and Grieg, informing them that: <ul style="list-style-type: none"> o Following the recent Federal Court decision, the Minister is still of the view that a number of reasons and concerns exist (provided as an attachment to the letters) which do not lend support for continued salmon aquaculture activities in the area, and that no salmon aquaculture activities should be carried out in the area; o AMD will be launching consultations from July to December 2022 with First Nations and industry to inform a decision on whether or not to reissue in January 2023; and o Any input they have will be shared with industry and vice versa. - Minister sends letter to Discovery Islands licence holder Yellow Island, informing them that: <ul style="list-style-type: none"> o Following the recent Federal Court decision, the Minister is still of the view that a number of reasons and concerns exist (provided as an attachment to the letter) which do not lend support for continued salmon aquaculture activities in the area, and that no salmon aquaculture activities should be carried out in the area; o However, given the site’s particular circumstances (i.e. smaller operation with a focus on research), its licence will be reissued to January 31, 2023 to permit the fish currently on site to continue growing at this time; o AMD will be launching consultations from July to December 2022 with First Nations and industry to inform a decision on whether or not to reissue in January 2023; and o Any input they have will be shared with industry and vice versa. - Minister sends letter to Discovery Islands licence holder Saltstream, informing them that: <ul style="list-style-type: none"> o Following the recent Federal Court decision, the Minister is still of the view that a number of reasons and concerns exist (provided as an attachment to the letter) which do not lend support for continued salmon aquaculture activities in the area, and that no salmon aquaculture activities should be carried out in the area; o However, given the site’s particular circumstances (i.e. smaller operation), its licence will be reissued to January 31, 2022 to permit the fish currently on site to grow out to maturity; o AMD will be launching consultations from July to December 2022 with First Nations and industry to inform a decision on whether or not to reissue in January 2023; and o Any input they have will be shared with industry and vice versa.

Discovery Islands – Critical Path for “Option 2” – Non-reissuance in June 2022 with Consultations from July to December 2022 on future licensing

Option 2: Longer Consultation Period until December 2022 without Licence Reissuance	
Date	Activities
	<ul style="list-style-type: none"> - AMD Sr. Coordinator, First Nations Consultations to call First Nations (Homalco, Klahoose, Kwiakah, K'ómoks, Tla'amin, We Wai Kai, Wai Wai Kum), and follow up the call with an e-mail, individually notifying them of the Minister's decision, and that they can expect to hear from AMD in July when consultations launch.
July 4, 2022	<ul style="list-style-type: none"> - AMD Sr. Coordinator, First Nations Consultations launches consultations with First Nations and shares consultation package (information) relevant to non-reissuance. - AMD Sr. Coordinator, Marine Finfish Aquaculture launches consultations with industry and shares consultation package (information) relative to non-reissuance.
July 4 to November 14, 2022	<ul style="list-style-type: none"> - First Nations and industry meet with DFO to share and exchange information as part of the consultations.
November 15-30, 2022	<ul style="list-style-type: none"> - AMD prepares a “What we heard” summary of the information compiled through the consultations and shares this with First Nations and industry by November 30, 2022.
December 1-15, 2022	<ul style="list-style-type: none"> - First Nations and industry provide any final feedback in response to the “What we heard” summary.
December 16-23, 2022	<ul style="list-style-type: none"> - AMD prepares decision note and recommendations on licence reissuance (non-reissuance).
December 28, 2022 to January 6, 2023	<ul style="list-style-type: none"> - Decision note advances through approval process.
January 13, 2023	<ul style="list-style-type: none"> - Minister makes decision on licence non-reissuance in the Discovery Islands. - Letters to industry and First Nations are issued indicating the decision. If Minister's decision is to not reissue licences are not reissued, no further action at this time.
January 16-30, 2023	<ul style="list-style-type: none"> - If Minister approves licence reissuance, industry provides their production plans for DFO to generate invoices. (If Minister approves licence reissuance), industry pays licensing fees.
January 31, 2023	<ul style="list-style-type: none"> - (If Minister approves licence reissuance), licences are issued.