

B.C. Supreme Court Finds in Favour of Federal Fish Farm Control/Regulation

Written by Press Release

Tuesday, 26 January 2010 17:12 - Last Updated Tuesday, 26 January 2010 19:35

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Today BC Supreme Court ruled in our favor once again. Justice Hinkson granted the federal government a suspension order until December 18, 2010 so that Fisheries and Oceans (DFO) can further prepare to assume control of regulating salmon farms. However, Justice Hinkson forbade any expansion of aquaculture during that period.

Specifically, the province cannot issue any new fish farm licences and cannot expand the size of any tenure. He recognized the First Nation interest in this matter by granting the Musgamagw-Tsawataineuk Tribal Council intervenor status, which is essential as this case is based in their territory.

On the matter pursued by Marine Harvest at the Court of Appeal and sent back to Justice Hinkson to reconsider (that is whether the fish in the farms are privately owned by the companies and whether the Farm Practices Protection Act (FPPA) is still in force), Hinkson confirmed that the FPPA, will no longer apply to finfish aquaculture and thus no longer protect farms from nuisance claims.

On the question, does Marine Harvest own the fish in their pens? Justice Hinkson found that this was not the place for this decision. Marine Harvest will have to bring this before the courts themselves. For now, we know that the aquaculture fish are now part of the fisheries of Canada.

Today's decision is met by the unrelated announcement by US box store chain "Target" that they have eliminated all farmed salmon from its fresh, frozen, and smoked seafood offerings in its stores across the United States, because of farm salmon environmental impact on native salmon.

There is an enormous amount of work ahead to translate any of this into better survival of our wild salmon, but the courts seem consistently interested in bringing reason, the constitution and the law to bear on the Norwegian fish farm industry in British Columbia.

While I am truly sorry that jobs will be lost in ocean fish farming, bear in mind the industry is in deep trouble with mother nature herself in the fish farming strongholds of Chile and Norway. Trying to hold this nomadic fish in pens is never going to work, because it causes epidemics, unnatural sea lice infestations and drug resistance. Salmon farming is not sustainable and ultimately we are better served by our wild fish.