This Experimental Harvest Guideline is intended for general purposes only. Where there is a discrepancy between the Guideline and the Fisheries Act and Regulations, the Act and Regulations are the final authority. A description of Areas and Subareas referenced in this Guideline can be found in the Pacific Fishery Management Area Regulations.
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1. **CONTACTS**

**OBSERVE, RECORD & REPORT**
Fisheries Information and Shellfish Contamination Closure Update (24 Hours) 1-800-465-4336
or (866) 431-3474
(604) 666-2828

**Resource Management**
Regional Shellfish Co-ordinator Russell Mylchreest (604) 666-3869
North Coast (Areas 1 through 10) General inquiries (250) 627-3499
417 2nd Avenue West, Prince Rupert, B.C. V8J 1G8 Fax (250) 627-3427
Resource Management Biologist Juanita Rogers (250) 627-3007
Resource Manager - First Nations Fisheries Karen Kimura-Miller (250) 627-3436
Resource Manager - Recreational Fisheries Mark Reagan (250) 627-3409

South Coast (Areas 11 through 27 & 29-5) General Inquiries (250) 756-7270
3225 Stephenson Point Road, Nanaimo, B.C. V9T 1K3 Fax (250) 756-7162
Resource Management Biologist Guy Parker (250) 714-8379
Resource Manager - Parksville Randy Webb (250) 954-2675
Resource Manager - Comox Byron Koke (250) 339-2809
Resource Manager - First Nations Fisheries Jonathon Joe (250) 756-7243
Resource Manager - Recreational Fisheries Bill Shaw (250) 756-7152

Lower Fraser (Areas 28 and 29) General Inquiries (604) 666-8266
Unit 3, 100 Annacis Parkway, Delta, B.C. V3M 6A2 Fax (604) 666-7112
Resource Management Biologist Bridget Ennevor (604) 666-6390
Resource Manager - First Nations Fisheries Debra Sneddon (604) 666-8426
Resource Manager - Recreational Fisheries Linda Stevens (604) 666-6509

**Science Branch**
Marine Ecosystems and Aquaculture Division Dennis Rutherford (250) 756-7174
Pacific Biological Station Leslie Barton (250) 756-7306
Hammond Bay Road, Nanaimo, B.C. V9T 6N7

**Oceans’ Directorate**
Oceans, Habitat, and Enhancement Kelly Francis (604) 666-8437

**Aquaculture**
Director, Aquaculture Division Andrew Thomson (604) 666-7009

**Canadian Food Inspection Agency (CFIA)**
Fish Inspection Directorate Deirdre Kelly (604) 666-4427
Molluscan Shellfish Program Specialist ext. 260
2250 Boundary Road
Burnaby, B.C.  V5M 4L9

**Environment Canada**
Growing Water Quality Classification & Surveys  Walter Hajen  (604) 666-2947

**Scallop Dive Association**
President  Lawrence Glover  (250) 658-6105

**Catch Monitoring and Hail Program Service Provider**
D&D Pacific Fisheries Ltd.  (604) 886-4819
Box 1445 Gibsons, BC, V0N 1V0  hail-in line  (800) 775-5505

**B.C. Ministry of Environment**
Oceans and Marine Fisheries Branch  Jamie Alley  (250) 356-0488

**WorkSafe BC**
Focus Sector Manager/Fishing, Nanaimo  Peter Newman  (250) 715-8050
Occupational Safety Officer, Victoria  David Clarabut  (250) 881-3493
Occupational Safety Officer, Victoria  Mike Ross  (250) 881-3419
Occupational Safety Officer, Campbell River  Mark Lunny  (250) 334-8732
Occupational Safety Officer, Terrace  Shane Neifer  (250) 615-6605

2. **FISHERIES AND OCEANS CANADA INTERNET SITES**

Pacific Region Internet site:

Shellfish Contamination Closures:
[www.pac.dfo-mpo.gc.ca/ops/fm/shellfish/Biotoxins/closures/default_e.htm](http://www.pac.dfo-mpo.gc.ca/ops/fm/shellfish/Biotoxins/closures/default_e.htm)

Scallop page:
[www.pac.dfo-mpo.gc.ca/ops/fm/shellfish/scallop/default_e.htm](http://www.pac.dfo-mpo.gc.ca/ops/fm/shellfish/scallop/default_e.htm)

Pacific Scientific Advice Review Committee (PSARC):
[www-sci.pac.dfo-mpo.gc.ca/sci/psarc/default_e.htm](http://www-sci.pac.dfo-mpo.gc.ca/sci/psarc/default_e.htm)

Links to Acts, Regulations, and Pacific Fishery Management Area definitions:
[www.pac.dfo-mpo.gc.ca/ops/fm/toppages/actreg_e.htm](http://www.pac.dfo-mpo.gc.ca/ops/fm/toppages/actreg_e.htm)

Pacific Fishery Management Area and Subarea maps:
[www.pac.dfo-mpo.gc.ca/ops/fm/Areas/areamap_e.htm](http://www.pac.dfo-mpo.gc.ca/ops/fm/Areas/areamap_e.htm)
3. **GLOSSARY**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area and Subarea</td>
<td>As in Section 2 of the Pacific Fishery Management Area Regulations (available online at the Acts, Orders and Regulations page).</td>
</tr>
<tr>
<td>invertebrate</td>
<td>An animal without a backbone.</td>
</tr>
<tr>
<td>PSARC</td>
<td>Pacific Scientific Advice Review Committee</td>
</tr>
<tr>
<td>stakeholder</td>
<td>People with an interest in the fisheries resources, such as recreational and commercial harvesters, processors, and non-consumptive users.</td>
</tr>
<tr>
<td>stock assessment</td>
<td>Results of analyses of fisheries and research data used to evaluate the effects of fishing on a stock or population and to predict the reaction of populations to alternative management choices.</td>
</tr>
</tbody>
</table>

4. **GOALS AND OBJECTIVES**

- To develop and understanding of the stock distribution and abundance of pink and spiny scallops and to establish scallop management and assessment units.
- To collect biological information, including age, growth, and mortality data, for use in the development of biologically based assessment and management frameworks for pink and spiny scallops.
- To establish precautionary biological reference points and limits for harvests of pink and spiny scallops.
- To develop a consultative process for the scallop dive fishery.

5. **BACKGROUND**

The scallop fishery began in 1982 under a commercial “ZI” licence that allowed for harvest of both pink and spiny scallops by dive and trawl gear. In 1993, the dive and trawl fisheries were split. The dive fishery continued under the “ZI” licence and a separate licence category, “ZR”, was created for the trawl fishery. There was no limit to the number of licences issued annually in either fishery.

Historically, there were few management controls on the commercial fishery. A minimum size limit of 55 mm measured through the longest diameter of the shell perpendicular to the hinge was in effect for both species of commercially harvested scallops and Subarea 29-5 was closed in 1998 due to concerns for overfishing.

The Minister of Fisheries and Oceans discontinued the commercial scallop fisheries following the 1999 fishing season because the fisheries were data limited with few management controls. In 2000, Fisheries and Oceans Canada initiated a limited experimental fishery for scallops by
dive under scientific licence to obtain important scientific information to develop a biologically based management plan and a sustainable fishery.

The Pacific Scallop Harvesters Association (PSHA) recommended that the experimental licences be limited. Eligibility criteria were established for the issuance of dive scientific licences, in 2001, with input from stakeholders. To qualify for an experimental dive licence fishermen must have had a landing history of at least 10,000 lbs. between 1995 and 1999 or 6,000 in any one of those years. Seven full privilege scientific licences were issued. Scallop harvesters who were issued a scientific licence in 2000 and who complied with the licence conditions, but did not meet the eligibility criteria, were eligible through to 2005.

Two species of scallops, spiny (Chlamys hastata) and pink (Chlamys rubida) are harvested from in-shore waters in the dive fishery. The spiny scallop is usually harvested by the dive fishery because of a preference for larger scallops and because pink scallops typically occur beyond diveable depths.

In 2005, 7 scallop by dive (‘XZI’) experimental licences were issued. Two of these licences were only eligible to fish in Areas 13 and 20 whereas the other full privilege seven licences were permitted to fish in areas 13 through 20. Preliminary data for the calendar year 2005 showed landings of scallops by dive were low at approximately 27,000 lb. For the calendar year 2004 harvest logs indicated landings of approximately 60,000 lb, and in 2002 and 2003 the annual landings were slightly over 100,000 lb.

As part of the experimental fishery, a protocol was developed to establish strategies and survey protocols for stock assessments. This protocol is based on Lauzier et al (2000). The priority for both harvesters and the Department has been to develop a survey protocol and conduct a survey in Subarea 29-5. This Subarea was closed to scallop harvest in 1998, which made it a prime area to study scallop populations. A survey was conducted in the spring of 2001, providing a baseline for further surveys and allowing a portion of the Subarea to open in the fall of 2001. Only a portion of the surveyed areas was opened, leaving an area unfished as a control. Fisheries and Oceans Canada and the scallop dive harvesters resurveyed the area in 2002.

As part of the experimental fishery surveys will continue. Surveys will help to study the effects of harvest and to further refine our survey protocols. Biological information will also continue to be collected which will also help to refine biological parameters.

Results and discussions of all data collected for both the trawl and dive fisheries were presented during the spring 2003 PSARC meetings (Lauzier et al (2003)). Both papers are available from the PSARC Secretariat at (250) 756-7208 or the PSARC Internet site (see Section 2).

Future discussions regarding the future of the fishery and licence eligibility may occur with First Nations, past licence holders, coastal communities and other stakeholders to develop a longer-term framework. Issues such as licence eligibility, First Nations access, area licensing, or development of north coast and/or west coast of Vancouver Island licences may be discussed.

5.1 First Nations Food, Social and Ceremonial Harvest

There is no known historical or current First Nations’ harvest of Pink and Spiny scallop. The Department recognises that information regarding use of Pink and Spiny scallops for food, social and ceremonial purposes may be incomplete.
5.2 Recreational Harvest

Recreational fisheries for scallop remain open throughout the year. Recreational effort is thought to be low. The daily sport catch limit for pink and spiny scallop is 75 pieces and the maximum possession limit is 150 pieces. Only hand picking is permitted. No specific recreational fishing management measures have been established for this fishery.

6. MANAGEMENT AND ASSESSMENT SUMMARY

6.1 Hail Program – To track area quotas during the 2006/07 fishing season all scientific licence holders must make arrangements to participate in an industry funded catch monitoring hail program. Fishers must follow the conditions contained in their licence regarding hailing to the service provider prior to fishing each day, and following each day’s fishing. For the 2006/07 season the company arranged by the industry association to perform these tasks will be D&D Pacific Fisheries. (See Section 10.3)

6.2 OPEN AREAS -- For the 2006/07 fishing season, only areas scheduled for an industry funded biomass survey will be open to fishing, all other areas of the coast will be closed to harvest. For the start of the 2006/07 season fishing will only be authorized within Area 29-5, and 18-1. Please contact your industry association to make arrangements to participate in the survey programs for the 2006/07 season. (See Section 7)

6.3 QUOTAS – Quotas may be adjusted in-season based on new survey information obtained during the year. Biomass surveys must be completed annually for all fishing areas where more than 50% of the quota was taken during the fishing season. If less than 50% of the quota is harvested during the year then that quota may be assigned for a second year.

6.4 A portion of Subarea 29-5 has been set aside as ‘refugia’. Scallop ‘refugia’ or no harvest sites are under consideration in other areas.

6.5 The Department and WorkSafe BC want to ensure that diver safety regulations are followed in this fishery. (See Section 13)

6.6 All persons onboard the fishing vessel during harvesting activities must carry photo identification.

7. OPEN TIMES AND HARVEST AREAS

The 2006/2007 experimental fishery will open no earlier than August 1, 2006 and close no later than July 31, 2007. All Pacific Fisheries Management Subareas are closed by regulation from January 1 to December 31 unless varied by Variation Order. Fishing opportunities within the scallop by dive fishery are authorized under scientific licence. Please note the research and permanent area closures listed in Section 8.

The areas open to fishing within the experimental scallop by dive scientific licence are limited to areas surveyed by the industry association following the dive survey protocols provided by the Department. Subareas 29-5 and 18-1 will open for harvest in the 2006/07 season under
precautionary quotas shown in the table below, subject to any closure. These quotas will be adjusted in-season based on the survey results from the industry funded survey.

<table>
<thead>
<tr>
<th>Fishing Location</th>
<th>Harvest Quota (Kg) (Aug 1, 2006 to July 31, 2007)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subarea 29-5</td>
<td>6818</td>
</tr>
<tr>
<td>Subarea 18-1</td>
<td>4545</td>
</tr>
<tr>
<td>All other locations are closed</td>
<td></td>
</tr>
</tbody>
</table>

Fishers are reminded that before initiating harvesting on any day they must hail to the industry funded catch monitoring service for this fishery. Fishers will be given a hail number for the fishing trip. Fishers must also hail their landings information at the end of each fishing trip.

General information regarding open areas is available from the Resource Managers (see Section 1) or from D&D Pacific Fisheries at (604) 886-4819 [800-775-5505 hail-in line].

Licence holders must confirm that an area is not closed for biotoxin or sanitary contamination prior to each day’s fishing. (See Section 8.2)

8. CLOSURES

8.1 Permanent Area Closures

8.1.1 Area 13

Discovery Passage: Subareas 13-3, 13-4, 13-5 and a portion of 13-6. Those waters of Discovery Passage bounded on the north by a straight line drawn true west from North Bluff on Quadra Island, across Seymour Narrows to a fishing boundary sign on Vancouver Island, and on the south by a line from the Cape Mudge light true west to Vancouver Island. (Marine Reserve and Research Closure)

Mitlenatch Island: (As described in Area 15 Closures.)

8.1.2 Area 14

Hornby Island: Those waters of Lambert Channel and the Strait of Georgia, Subarea 14-7, inside a line commencing at Shingle Spit on Hornby Island, thence 239º true for 0.5 nautical miles, thence 126º true for 3.5 nautical miles, thence 64º true for 4.9 nautical miles, thence 304º true for 2.9 nautical miles, thence 213º true for 0.5 nautical miles to Cape Gurney on Hornby Island. (Marine Reserve)

Mitlenatch Island: (As described in Area 15 Closures.)

8.1.3 Area 15

Vivian Island: Those waters of Subarea 15-2 within 0.5 nautical miles of, Vivian Island, located approximately 5.0 nautical miles west of Powell River. (Marine Reserve)
Rebecca Rock: Those waters of Subarea 15-2 within 0.25 nautical miles of Rebecca Rock, located 2.5 nautical miles west of Powell River. (Marine Reserve)

Dinner Rock: Those waters of Subarea 15-2 within 0.25 nautical miles of Dinner Rock, located 2.5 nautical miles south of Lund. (Marine Reserve)

Emmonds Beach: Those waters of Subarea within 0.5 nautical miles of the unnamed reef off Emmonds Beach, located approximately 4.0 nautical miles south of Lund. (Marine Reserve)

Mitlenatch Island: Those waters of Subareas 15-2, 13-1, 13-3, and 14-13 within 1.0 nautical mile of Mitlenatch Island, located in the upper Strait of Georgia. (Marine Reserve)

Beach Gardens: Those waters of Subarea 15-1 within a 0.25 nautical mile radius of the southerly end of the Beach Gardens breakwater. (Marine Reserve)

8.1.4 Area 16

Skookumchuck Narrows Provincial Park: Those waters of Skookumchuck Narrows and Sechelt Rapids in Subarea 16-9 bounded on the west by a line from a point on the foreshore at the westerly limit of Secret Bay on Sechelt Peninsula thence 50° true to a point on the foreshore on the mainland; and the east by a line from Raland Point on Sechelt Peninsula, thence 50° true to a point on the foreshore on the mainland. (Park)

8.1.5 Area 17

Saskatchewan and Cape Breton Artificial Reefs: Those waters of Subarea 17-12 within 100m of the marker buoys at the artificial reef know as the ‘Saskatchewan, on the east coast of Snake Island and those waters within 100m of the marker buoys at the artificial reef ‘Cape Breton’. Commercial Closure)

8.1.6 Area 19

Mackenzie Artificial Reef: Those water of Subarea 19-5 within 100m of the marker buoys at the artificial reef known as the ‘Mackenzie’, near Rum Island. (Commercial Closure)

Ogden Point: Those waters of Subarea 19-3 inside a line from the navigation light at the western end of the Ogden Point Causeway thence to Brotchie Ledge Light, thence to Holland Point on Vancouver Island. (Marine Reserve)

Race Rocks: Those waters of Subareas 19-3 and 20-5 within 0.5 nautical miles of Great Race Rocks. (Marine Reserve)

10 Mile Point: Those waters of Subareas 19-4 and 19-5 within 0.4 nautical miles of Cadboro Pt. navigation light. (Marine Reserve)

8.1.7 Area 20

Race Rocks: Those waters of Subareas 19-3 and 20-5 within 0.5 nautical miles of Great Race Rocks. (Marine Reserve)

Botanical Beach Provincial Park: That portion of Subarea 20-3 between the lowest low water on record and the highest high water on record from San Juan Point thence
following the Vancouver Island shoreline easterly to the mouth of Tom Baird Creek. (Marine Reserve)

Pacific Rim National Park, Juan de Fuca: That portion of Subarea 20-1 between the lowest low water on record and the highest high water on record from Bonilla Light thence following the shoreline of Vancouver Island easterly to Owen Point. (Park)

8.1.8 Area 29

Subarea 29-5: North of a line due east from Detwiller Point to the area boundary and South of a line due east from the North East point of Galiano Island to the area boundary (see map, Appendix I). (Refugia and study area)

8.2 Biotoxin and Contamination Closures

8.2.1 Paralytic Shellfish Poisoning (PSP) or Domoic Acid (ASP)

With the exception of management Subarea 1-5 and portions of Area 7, the entire north coast (Areas 1 to 11 inclusive) is closed for the harvest of intertidal bivalves. This closure is due to a high risk of PSP and ASP, and the incomplete coverage of biotoxin monitoring and water quality surveys in north coast areas. For other areas, closures will be invoked when elevated levels of biotoxins are detected.

Scallop species retain PSP toxins longer than many other bivalve species, such as clams or oysters. As such, re-opening an area to scallops following a PSP closure may be delayed pending receipt and analysis by CFIA of scallop samples from proposed fishing areas.

For information on current biotoxin closures either:

- call the Fisheries Information and Shellfish Contamination Closure line (866) 431-3471 or (604) 666-2828;
- check the Fisheries and Oceans Canada internet site at: www.pac.dfo-mpo.gc.ca/ops/fm/shellfish/Biotoxins/closures/default_e.htm, or
- check with the local Fisheries and Oceans Canada office.

Harvest areas may be closed due to a reduced PSP and ASP sampling program. CFIA continues to establish partnership programs with user groups to undertake the biotoxin sampling. In order to maintain harvest opportunities, user groups are invited to contact CFIA at the number listed in Section 1 to discuss monitoring plan development, design and implementation.

8.2.2 Sanitary Contaminated Closures

Shellfish may not be harvested for direct marketing from closed areas except by special permit licence under the Management of Contaminated Fisheries Regulations. There are both seasonal and permanent area closures.

Fishers are advised to check whether the area is open, prior to fishing, to ensure that they have the most recent contamination closure information. For information on sewage contaminated closures, check with the local Fisheries and Oceans Canada office or check the Fisheries and Oceans Canada internet site at:
Bivalve molluscs harvesting prohibition areas are distinct areas or areas within closed growing areas that are prohibited to shellfish harvesting for any purposes. These areas include:

a) A minimum of 300 metres closure around point sources such as sewage treatment plant outfalls and other waste discharges of public health significance.

b) A minimum 125 metre radius around certain permanent or floating structures which may be a source of contamination. Such structures are defined as follows:
   i) Any wharf, dock, platform or other structure used for vessel moorage.
   ii) Any marina, anchored floating structure, including float homes, barges, platforms, and vessels.

Environment Canada conducts water quality surveys to evaluate the sanitary conditions in shellfish growing waters. These surveys are a requirement under the Canadian Shellfish Sanitation Program in order to maintain an approved classification for bivalve harvesting. In order to continue with this program, Environment Canada requires the assistance of Industry and interest groups on a cost-sharing basis. Please contact Walter Hajen of Environment Canada for further information at (604) 666-2947.

8.3 Refugia

A portion of the surveyed area in Subarea 29-5 has been closed as scallop refugia and as a no harvest zone. Establishing closed areas as scallop refugia or no harvest (experimental ‘control’) in other sites is also under consideration. Benefits of establishing such closures would include potential for comparative study of harvest rates for use in stock assessments and as potential sources of spawning recruitment. Input from experienced scallop harvesters will be sought in identifying these areas.

9. LICENSING REQUIREMENTS

9.1 Scientific Licence Categories

A scientific scallop by dive licence, XZI, issued under the Fishery General Regulations (Part VII) is required to harvest pink and spiny scallops by diving in 2006/07. A scientific licence eligibility is dependent solely on application criteria and is non-transferable.

The XZI licence is a personal licence and the licence holder must designate a vessel with “Schedule II” privileges (“Schedule II – Part II” of the Pacific Fishery Regulations, 1993) that will fish under the authority of the licence.

9.2 Scientific Licence Eligibility

Scientific licences are issued to “experienced harvesters” who have past landings in the scallop by dive fishery that meet eligibility criteria, described below. Scientific licences may also be issued to representative industry associations for studies of benefit to the
management or assessment of the fishery. It is expected that experienced harvesters will provide the best possible information for use in developing a biologically based assessment and management program.

To ensure conservation objectives can be met within the historical harvest area, eligibility criteria have been established for the issuance of scientific licences. Under these criteria, those individuals with past landings of 10,000 lb. in the period 1995-1999 or 6,000 lb. in any one of these years, of dive-caught scallops who agree to participate in biological sampling and scientific studies will be eligible for issuance of a scientific licence. In 2001 seven scientific licences were issued. Prior to being issued a scientific licence all applicants must outline their fishing history and their commitment to participate in the experimental fishery and the collection of biological and fishery data.

Continued eligibility for scientific licences will require compliance with application requirements as well as with all conditions of the licence. Similar to other limited commercial fisheries licence holders must renew licences annually to maintain eligibility.

At times, scientific licences may also be issued to other parties for experimental, scientific, educational or public display purposes.

9.3 Photo Identification

All persons onboard the fishing vessel during harvesting activities must carry photo identification.

A Fishers Registration Card (FRC) is not a requirement of the scientific licence.

9.4 Seafood Harvesting Diving Certificate

All divers shall be in possession of a WCB Seafood Harvesting Diving Certificate or have completed training that meets the minimum requirements of CSA Standard Z275.4-97, Competency Standard for Diving Operations, or other standards acceptable to the Board.

10. CONTROL AND MONITORING OF HARVEST ACTIVITIES

10.1 Gear

Hand picking by divers only. The use of suction or other mechanical harvest devices is prohibited.

10.2 Size Limits

The minimum size limit for pink and spiny scallops is 55 mm shell height, measured perpendicular to the hinge.

There are some indications that management of the fishery by size limit alone is inadequate in preventing localized stock depletions. Except during collection of biological samples, harvesters are requested to leave some of the largest scallops behind to provide additional spawning potential to the population.
10.3 Fishing Hails

10.3.1 Notification prior to commencement of fishing

Fishing notification requirements that are described in the scientific licence conditions must be followed by all licence holders. For the 2006/07 fishing season fishers must participate in a hail program to monitor daily fishing activity and harvest. This program will help ensure that quotas assigned to different fishing areas are not exceeded. For the 2006/07 season the company hired to perform these duties will be D&D Pacific Fisheries. Please review all licence conditions prior to fishing.

Fishers must hail fishing information between the hours of 8 am and 5 pm either in person to D&D Pacific Fisheries or by phone at (800) 775-5505. No fishing may occur prior to hailing and receiving a hail number from the service provider.

10.3.2 Notification prior to landing of product

Prior to landing of product the vessel master must hail their daily harvest information to D&D Pacific Fisheries by phone at (800) 775-5505. Please see licence conditions for details of all information required in the hail.

10.4 Area Quotas

Beginning in 2006 harvesting opportunities within both scallop fisheries will be limited to areas which have been recently surveyed and had quotas applied. For the 2006/07 season the scallop dive association has indicated that Subareas 29-5 and 18-1 will be surveyed. Precautionary quotas will be given to these areas to start off the season (See Section 7.)

These quotas will be adjusted in-season following the completion and analysis of the surveys. Surveys are expected to be required annually for all harvest areas where harvest exceeds 50% of the assigned quota. Areas with harvest levels less than 50% of the assigned quota will need to be surveyed every two years. All surveys should be coordinated through Dennis Rutherford at (250) 756-7174.

10.5 Delivery, Handling and Tagging Requirements

All scallops must be delivered live and whole to a federally registered shellfish plant. The shucking of scallops on board a vessel is not permitted. The direct sale of scallops to the public, restaurants, or retail stores is prohibited.

For the storage of scallops, all containers must be in clean condition prior to use. The wet storage of scallops on board, or over the side of any vessel, is not permitted. Holding (wet storage) of scallops at the harvest site is an acceptable practice providing that the harvest site is in approved shellfish growing waters.

All containers or sacks containing scallops must be **individually tagged** with the following information:

- a) Subarea and location of harvest (e.g. Area 15-2, Savary Island).
- b) Date of harvest.
- c) Vessel Name and VRN.
10.6 Catch and Fishing Data

10.6.1 Harvest Log Data

The licence holder is responsible for the provision and maintenance of an accurate record, a “log”, of daily harvest operations. This log must be completed and both a paper and electronic copy submitted in an approved format as defined by Fisheries and Oceans Marine Ecosystems and Aquaculture Division’s Shellfish Data Unit.

Commencing with the 2006/07 fishing season, the harvest log data must include latitude and longitude as the description for each dive location. The latitude and longitude must be reported using degree decimal minutes (to 3 decimals). For example: 52° 24.598’ N 126° 9.798’ W. **Charts indicating fishing locations are not required**, except in the following circumstance: fishers with vessels not equipped with the necessary instruments must provide a chart record of the locations fished. The charts must be clearly marked with the VRN, the date fished for the locations referred to, and the Line Number on the log page for the dive. The fisher must then work with the service bureau to determine a Lat/Long position from the chart record and supply it in the electronic data.

Logbooks meeting Fisheries and Oceans Canada requirements are available from outside service bureaus who, for a fee, will provide the logbook, coding and keypunch services, thus complying with the requirements for a paper copy, an electronic copy, and location information.

The original log and the electronic data must be forwarded within **21 days following the end of each month in which fishing occurred**. This information must be sent to:

Fisheries and Oceans Canada
Shellfish Data Unit
Pacific Biological Station
Hammond Bay Road
Nanaimo, B.C. V9T 6N7

Tel: (250) 756-7022 or (250) 756-7306

As an alternative to harvest log provision through a service bureau, the licence holder may provide a hard copy log in the same form and providing the same particulars as shown in the harvest log sample attached hereto. The licence holder must also provide an electronic copy, which is required to be a true and accurate transcription of the hard copy data, delivered on a DOS compatible 3.5” disk. Disks will remain the property of Fisheries and Oceans Canada. The electronic copy must be submitted as a database table of approved design, created by any of the following database management tools: Access XP (or earlier version), Foxpro, Paradox or dBase.

Contact the Shellfish Data Unit at the above address to obtain the full requirements and acceptable data formats for supplying harvest log and electronic data in a format, which meets the Conditions of Licence. The hard copy of the harvest logs, as well as the completed electronic data must be forwarded within **21 days** following the end of each month in which fishing occurred. This information must be sent to the above address.

**Catch information must be recorded in the harvest log by midnight of the day of fishing.** The logbook must be kept aboard the licensed vessel. Logbooks must be
produced for examination on demand of a fishery officer, guardian, or a fishery observer designated under the *Fisheries Act*.

If no fishing has occurred, a “nil” logbook report (a page from the harvest log signed by the licence owner, identifying the vessel, licence tab number, and month, with ‘nil’ entered in the body of the log in place of catch information) shall be sent to the Shellfish Data Unit within **21 days** following the end of each month indicating that no fishing occurred over the specified time frame.

**FISHERIES AND OCEANS CANADA WISHES TO REMIND HARVESTERS THAT HARVEST LOGS MUST BE COMPLETED ACCURATELY DURING FISHING OPERATIONS AND SUBMITTED TO THE DEPARTMENT IN ACCORDANCE WITH THE TIMING SET OUT IN CONDITIONS OF LICENCE. DELAY OF COMPLETION OR SUBMISSION OF LOGS IS A VIOLATION OF A CONDITION OF LICENCE.**

To be eligible for licence renewal, all catch information, including harvest logs, incidental catch and ‘fish slips’ must be in full compliance with the Conditions of Licence.

**10.6.2 Confidentiality of Harvest Data**

Harvest data, including fishing location data supplied through latitude and longitude co-ordinates, loran or chart records, collected under the Harvest Logbooks for Shellfish Fisheries programs, are collected for use by Fisheries and Oceans Canada in the proper assessment, management and control of the fisheries. Upon receipt, by the Department, of harvest log data and/or fishing location information, supplied by the licence holder in accordance with conditions of licence, Section 20(1)(b) of the Access to Information Act prevents the Department from disclosing to a third party, records containing financial, commercial, scientific or technical information that is confidential information. Further, Section 20(1)(c) of the Act prevents the Department from giving out information, the disclosure of which could reasonably be expected to result in material financial loss or could reasonably be expected to prejudice the competitive position of the licence holder.

**10.6.3 Fish Slip Requirements**

It is a condition of this licence that an accurate written report shall be furnished on a fish slip of all fish and shellfish caught under the authority of this licence. A report must be made even if the fish and shellfish landed are used for bait, personal consumption, or otherwise disposed. The written report shall be posted not later than **seven days after the offloading** and sent to:

Fisheries and Oceans Canada  
Regional Data Unit  
Suite 200 - 401 Burrard Street  
Vancouver, B.C. V6C 3S4  
(604) 666-3784

Fish slip books may be purchased at the above address.
10.7 Biological Sampling

The collection of biological samples will be required of the scientific licence. Representative (all size/age classes included) biological samples of scallops were collected from each area fished. Samples by species were processed for age, sex, and shell height. Numbered shells, data sheets and electronic data were submitted in an approved format to Fisheries and Oceans Marine Ecosystems and Aquaculture Division. Similar sampling may continue as a requirement. This biological information forms an important component of the stock assessment program.

For questions regarding sampling procedures and data requirements contact Dennis Rutherford at (250) 756-7174.

11. ENFORCEMENT

Fisheries and Oceans Canada has the responsibility to enforce the *Fisheries Act* and associated regulations, to address conservation, health and safety issues and to maintain proper management and control of the various fisheries.

Users of the resource have a responsibility to report violations. Any suspected or actual fisheries, wildlife or pollution violations can be quickly and discretely reported to the appropriate Enforcement Officer by using the toll free Observe, Record and Report hotline. This toll free number is available 24 hours a day. Confidentiality is assured.

**OBSERVE, RECORD AND REPORT - 1-800-465-4DFO (1-800-465-4336)**

Enforcement enquiries can also be directed to the local field offices during regular office hours.

12. FISHERIES IN THE FUTURE

If an assessment and management framework can be developed following the experimental period, and it is believed that the species or stocks can sustain a commercially viable fishery able to fund its own management and assessment programs, an Integrated Fisheries Management Plan may be developed. If an IFMP is considered in the future, the Department may seek to arrange for cost recovery to help fund programs. **Scientific licences will not guarantee the licence holder any eligibility for a commercial licence in the future. Additional licences may also be created.**

Development of fisheries in new areas, not historically fished, may be considered and will follow the phased approach to new and developing fisheries and the framework provided by Lauzier et al. (2000). Any exploratory fisheries in any new areas should be preceded by an initial biomass estimate, which would provide a “virgin” or “initial” biomass, required for setting precautionary quotas. This should also provide valuable stock assessment information, including information on natural size and age structure of pink and spiny scallops.
13. **DIVER SAFETY**

Jurisdiction over health and safety on commercial fishing vessels in Canada is the mandate of the provinces. In British Columbia, jurisdiction over health and safety issues on commercial fishing vessels defaults to the WorkSafe BC (previously Workers' Compensation Board of British Columbia). Health and safety issues on fishing vessels include the health and safety of the crew and design, construction and use of fishing equipment on the vessel. Matters of transportation and shipping fall to the federal government and are administered by Transport Canada, Marine Safety (TCMS). WorkSafe BC and TCMS have entered into a Memorandum of Understanding on fishing vessel safety that addresses, as much as possible, jurisdiction. The document also contemplates that each party will work co-operatively to ensure that vessels and their crew remain healthy and safe.

With WorkSafe BC, dive fisheries are legislated by the requirements for occupational divers, found in Part 24 of the Occupational Health and Safety Regulation (OHSR) and as commercial fishing ventures, also found in Part 24 of the OHSR. Many of the general sections of the Regulation also apply, for example: Part 8 - Personal Protective Equipment, addresses issues related to safety head gear, safety footwear and personal floatation devices. Part 17 addresses issues on rigging and Part 5 addresses issues of exposure to chemical and biological substances. The entire regulation can be acquired from the Provincial Crown Printers or by visiting the WorkSafe BC Internet Site at:

www.worksafebc.com

(For WorkSafe BC contacts, see the Contacts in Section 1.)

14. **REFERENCES**


APPENDICES

Appendix 1: Portion of 29-5 open for Scallop Fishing
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