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Department of Justice will pursue fish farm case

On April 20, federal Department of Justice lawyer Todd Gerhart appeared in court to take over biologist Alexandra Morton's case against Marine Harvest, the largest Norwegian fish farm company in the world, for unlawful possession of wild salmon.

In a landmark initiative, Gerhart halted Morton's action, and advised the Court that on April 16 the Department of Justice (DOJ) had filed a new indictment against Marine Harvest, including the original charges laid by Morton, as well as new charges for unlawful possession of herring reported in October 2009. Gerhart will be the prosecutor.

Morton and her lawyer Jeffery Jones are relieved. 'It is my strong opinion,' says Mr Jones, a former Crown Prosecutor for DOJ, 'that this industry was given access to the BC coast and appears to have been conducting itself as if it were above the law. Today's decision by Mr Gerhart and the Department of Justice confirms that no corporation is above the law. This is why private prosecutions are important democratic safeguards. Morton's prosecution has triggered enforcement action by DOJ.

In June of 2009, young wild salmon were observed falling from a load of farm salmon being off-loaded from Marine Harvest's vessel *Orca Warrior*, following harvesting from pens. Some of these fish were collected and Marine Harvest admitted in the newspaper to 'catching' the wild salmon. 'By-catch' is the term for fish caught without a licence in the process of fishing for other species. By-catch is strictly controlled in all other fisheries and in some cases causes entire fisheries to be shut down.

'For decades we have heard reports of wild fish trapped in fishfarms, eaten by the farmfish and destroyed during harvest,' says Alexandra Morton, 'but when DFO was informed of these offenses they would not, or could not, lay a charge. Canada cannot manage wild fish like this. You can't regulate commercial and sport fishermen and

then allow another group unlimited access to the same resource. BC will lose its wild fish.'

In 1993, the Pacific Fishery Regulations exempted salmon farms from virtually all fishing regulations. Unlike commercial fishermen, salmon farmers can use bright lights, known to attract wild fish. The oily food pellets they use also attract fish and wildlife. Commercial fishermen are required to pay for observers and cameras on their vessels that record by-catch, so that fishing can be halted to preserve non-targeted stocks. No such enforcement has been applied to salmon farmers, despite regular reports of black cod, rock cod, herring, lingcod, wild salmon, pollock, capelin and other species in the pens, in stomachs of the farmed fish and destroyed at harvest time....until now.

'This is a ray of hope that we can work through the issue of Norwegian salmon farming in BC waters,' continued Morton. 'I am thankful to hand this over to the Department of Justice. Aquaculture is not the problem. The problem is the reckless way government sited it, managed it and gave it priority over the public fisheries. I call on government to protect the families now dependant on this industry as it undergoes the long overdue scrutiny of the courts, the judicial inquiry and public opinion.'

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