

CFB KYC Policy in regard to discharge of materials into waterways is: to follow the rules set out in the Fisheries Act.

The discharge of fish remains into the water is strictly forbidden as outlined in the sections of the Fisheries Act.

The Fisheries Act is one of strict liability, whereby the offender is guilty unless due diligence is exercised. All club members should be very aware of this Act and the pertinent sections of the act are as follows:

"fish" includes

- (a) parts of fish,
- (b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and
- (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals

Section 36 Throwing overboard of certain substances prohibited

36. (1) No one shall

(a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbour or roadstead, or in any water where fishing is carried on;

(b) leave or deposit or cause to be thrown, left or deposited on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or

(c) leave decayed or decaying fish in any net or other fishing apparatus.

(2) Remains or offal described in subsection (1) may be buried ashore, above high water mark.

(3) Subject to subsection (4), no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water.

Section 40 Offence and punishment

40. (1) Every person who contravenes subsection 35(1) is guilty of

(a) an offence punishable on summary conviction and liable, for a first offence, to a fine not exceeding three hundred thousand dollars and, for any subsequent offence, to a fine not exceeding three hundred thousand dollars or to imprisonment for a term not exceeding six months, or to both; or

(b) an indictable offence and liable, for a first offence, to a fine not exceeding one million dollars and, for any subsequent offence, to a fine not exceeding one million dollars or to imprisonment for a term not exceeding three years, or to both.

(2) Every person who contravenes subsection 36(1) or (3) is guilty of

(a) an offence punishable on summary conviction and liable, for a first offence, to a fine not exceeding three hundred thousand dollars and, for any subsequent offence, to a fine not exceeding three hundred thousand dollars or to imprisonment for a term not exceeding six months, or to both; or

(b) an indictable offence and liable, for a first offence, to a fine not exceeding one million dollars and, for any subsequent offence, to a fine not exceeding one million dollars or to imprisonment for a term not exceeding three years, or to both.

(5) For the purpose of any proceedings for an offence under subsection (2)

or (3),

(a) a "deposit" as defined in subsection 34(1) takes place whether or not any act or omission resulting in the deposit is intentional

Section 78.6

78.6 No person shall be convicted of an offence under this Act if the person establishes that the person

(a) exercised all due diligence to prevent the commission of the offence;

or

(b) reasonably and honestly believed in the existence of facts that, if true, would render the person's conduct innocent.

The following procedures will be followed:

1. Club members seeing a violation will either report it to the Club Environmental Officer, The Base environmental Officer or the Ministry of Environment or Environment Canada. 1-800-268-6060
2. All contractors conducting work for the Club will be given a copy of the above information.
3. All members conducting work on the docks and moorings shall be briefed on the requirements listed above.
4. All such contaminates shall be disposed of as shown above or placed in an appropriate container and disposed of by the Club Environmental Officer.
5. Should there be any confusion the Club Environmental Officer will seek clarification from the Base Environmental Officer.