

Friends of Port Mouton Bay Submission to Law Amendments Committee

Re. Bill 95 - An Act to Amend Chapter 25 of the Acts of 1996, the Fisheries and Coastal Resources Act, Respecting Aquaculture

April 28, 2015

Bill 95 introduces amendments to the Fisheries and Coastal Resources Act as a result of the recommendations of the Doelle-Lahey Report. Friends of Port Mouton Bay support this very progressive report which emphasizes that the entire framework of the report be adopted in order to achieve the regulatory goals of 'low impact – high value' aquaculture. Port Mouton Bay has experienced finfish aquaculture with a very poor environmental record for the greater part of the past 20 years

Bill 95 omits some very important statutory requirements outlined in the Doelle-Lahey Report. Statutory requirements carry greater weight than do regulations or terms and conditions of leases. Statutory requirements are necessary to engender public trust, public confidence and social licence and to ensure that regulatory goals are enforceable.

Specifically, the Doelle-Lahey Report provides **Statutory Licensing Principles and Statutory Standards for Licensing and Leasing** which Bill 95 omits.

Statutory Licensing Principles

- a. Compatibility with public rights of navigation
- b. Compatibility with fishery activities, including the lobster fishery
- c. Compatibility of the nature and scale of a proposed operation relative to the biophysical, oceanographic and community context
- d. Compatibility with the activities of other users or beneficiaries of the public waters in question
- e. Responsiveness to the cumulative effect of aquaculture in the area
- f. Contribution of the proposed project to net community socio-economic benefits

Note: Bill 95 Chapter 25, Section 43A (g) reads, "ensure that coastal communities derive positive social and economic benefits from aquaculture" - [SHOULD READ] net positive social and economic benefits

Statutory Standards for Licensing and Leasing including:

- a. The obligation to maintain oxic condition
- b. The species to be grown, stocking density and fallowing period requirements

No Grandfathering of Existing Facilities

The Doelle-Lahey report is very clear that

“existing facilities should not be grandfathered. It is critical for the effectiveness of the new regulatory framework that all existing facilities be subject to all rules that can reasonably be applied to existing operations, including all statutory conditions, transparency provisions, rules for changes to and renewals of licences and leases, and to monitoring and reporting obligations”

This important requirement has also been omitted in Bill 95.

Chapter 25 Section 43A requires the following *amendments using Doelle-Lahey Report language*:

(b) ensure aquaculture is conducted under conditions and in accordance with controls that protect the environment [ADD] “*by preventing significant harm to the environment or to the continuing availability in the short, medium and longer term of unimpaired environmental services to aquaculture and to other users of those environmental services*”

e) ensure that members of the public have access to information with respect to the regulatory process and an opportunity to participate in the process;[REPLACE WITH] “*Ensuring that members of the public have meaningful opportunity to be informed about and to participate in the regulatory process, including early notification of proposed aquaculture operations, proposed expansions of existing sites and proposed transfer of ownership of existing sites*”

(d) ensure equity, fairness and compatibility in access to, and utilization of, public water resources for aquaculture [ADD] and other users of the coastal zone.

Respectfully submitted,

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