

Coastal Municipalities and Aquaculture Development: Who Speaks for Communities?

UNION OF NOVA SCOTIA MUNICIPALITIES SPRING WORKSHOP

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Social Licence: Key Condition for Consensual Economic Development

- D-L Report:

“... refers to the informal permission society or a segment of a society, such as a local community, does or does not give to an industry, an activity or project.”

“There seems to be widespread agreement that marine-based fin-fish aquaculture does not currently enjoy high social licence in NS or across Canada”.

Community Concerns/Opposition: Open-pen Finfish Aquaculture, 2009 - ongoing

- **Environmental impacts:**
 - Benthic impacts of fecal matter and waste feed
 - Water pollution
 - Impacts on wild salmon
- **Lack of regulatory transparency and adequate public participation** (lease/licence application process; ongoing operations); little public recourse
- **Lack of community consultations** (2012 Aquaculture Strategy; lease/licencing process)
- **Erosion of trust in government** as regulator and industry promoter (conflicting mandates)
- **Community opposition:** Friends of Pt. Mouton Bay; May Day Jordon Bay; St. Mary's Bay Coastal Alliance; Friends of Shelburne Harbor; Association for the Preservation of the Eastern Shore; Coastal Communities Advocates; Atlantic Coalition for Aquaculture Reform (ACAR), NB Conservation Council, NS Salmon Association, Atlantic Salmon Federation, EAC

Doelle-Lahey Independent Panel Review Process

- **7 person Advisory Committee:**
AANS, NS Fisheries Sector Council, NS Salmon Ass., Membertou First Nation, **UNSM**, EAC, CCNS
- **Public consultations** summer 2013; 42 meetings in 21 communities
- 19 person **Stakeholder Roundtable**; regulatory goals and principles
- **Science and Traditional Knowledge Roster** (impacts on non-salmon species, lobster etc; interactions with wild salmon; pollution) – 20 scientists/researchers
- **Targeted Stakeholder meetings**; 23 individuals, associations, industry, communities
- **Regulatory Research Projects** (comparative analysis; other jurisdictions – Chile, Scotland, Maine, NB)
- **Participation support** (small fund for community research efforts, local meetings)
- **Draft regulatory framework report** June 2014
- **Public consultations** on draft report summer 2014
- **Final report to government** December 2014

Doelle-Lahey Report: A New Framework for Low Impact/High Value Aquaculture in Nova Scotia: **Highlights**

- A major overhaul of the regulatory framework for aquaculture (all forms: shellfish, finfish, marine and land-based)
- Focus on minimizing environmental impact while increasing marketplace value (sustainable seafood) in keeping with Environmental Goals and Sustainable Prosperity Act; Ivany Report (modernized regulation)
- Strong regulation fundamental to industry 3rd party certification, sustainable market access
- Regulatory burden/requirements on operators proportional to environmental risk
- Science and Regulatory Standing Advisory committees (continuous improvement); municipal representation
- Environmental Monitoring Program, monitoring and enforcement to move to Dept. of Environment

Doelle-Lahey Report: A New Framework for Low Impact/High Value Aquaculture in Nova Scotia: **Highlights (cont'd)**

- Revamped process for leasing and licencing decisions/no grandfathering of existing sites
- Compliance and monitoring strengthened
- Compatibility with other coastal resource users
- Two explicit recommendations of significance: maintenance of oxic conditions under cages; prohibition re anti-fouling agents
- Addressing public concerns through rigorous and effective regulation: openness, transparency, public participation principles set in legislation

Initial Government Response to Doelle-Lahey Report (to date)

- **Bill 95 Amendments to the Fisheries and Coastal Resources Act, passed by the Legislature May 4, 2015**
 - Creation of arms-length 3 person Aquaculture Review Board (new leases/licences); mandatory hearing, SC appeal
 - Designation of a departmental Administrator (for existing licences); appeal to Minister
 - Establishment of “option to lease”
 - Lease and licencing requirements moved to regulations (before: terms and conditions of leases/licences)
 - Vacant site information on aquaculture registry
 - Exemption of aquatic animal health care records under FOIPOP Act (pesticides)
- Budget 2015 - Enforcement function moved to Dept. of Environment (also Natural Resources, Agriculture, public health, Health and Wellness) effective July 1, 2015 – role separation
- Regulations: expected soon; an essential component of the Doelle-Lahey Framework

“Take-Away” for Municipalities

- Even though the province and feds regulate the industry, there are legitimate municipal interests: economic (tax base, jobs) and environmental (biophysical, other coastal users).
- Municipalities are closest to people in communities; citizens expect your informed involvement; you will be held to account regardless.
- Municipal governments should consider themselves, after First Nations, lead stakeholders, and operate accordingly.
- Municipalities should get informed and involved in new proposals and in ongoing issues with current aquaculture operations.
- Take community concerns seriously; not everyone is a NIMBY!
- Transparency and openness contribute to social licence and can help avoid or temper divisive community disputes which may last long afterwards.

Questions?/Resources

- Doelle-Lahey Report (and process): “A New Framework for Low Impact/High Value Aquaculture in Nova Scotia” - www.aquaculturereview.ca
- Legislative Amendment announcement April 21, 2015: “Oversight of Aquaculture to be Stronger, More Transparent”:
<http://novascotia.ca/news/release/?id+20150421002>
- NS Department of Fisheries and Aquaculture website (lease renewal info; updates/provincial aquaculture site mapping tool (lease/licencing information):
<http://novascotia.ca/fish/>
- Informative Community NGO site: www.friendsofportmoutonbay.ca This group has conducted peer-reviewed and published scientific studies on the impacts of finfish aquaculture pollution on lobster in Port Mouton Bay. They have also worked closely with their municipal council.