

Conservation Council of New Brunswick preliminary response to Government of New Brunswick

Prepare by Matthew Abbott

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Introduction

Established in 1969, the Conservation Council of New Brunswick has remained a key public advocate for environmental protection. Since the beginning of salmon aquaculture development in New Brunswick, the Conservation Council has pursued a framework for sustainable aquaculture, one that respects the limits of nature, does not degrade the ecosystem, and is in harmony with other economic, social, and cultural activities that use the marine ecosystems.

Before providing thoughts relating to potential amendments to the New Brunswick Aquaculture Act, it is important to acknowledge a significant recent history of illegal activities and serious environmental impacts from the salmon aquaculture industry in Southwest New Brunswick. Two examples relating to illegal pesticide use will illustrate the point:

- On April 26th, 2013, Kelly Cove Salmon Ltd. was charged under the federal Fisheries Act and pled guilty to using an illegal pesticide in 2009 and 2010 at 15 separate aquaculture sites contributing to significant mortality of lobster. The agreed statement of facts in this case, detailing the infractions, is included for reference with these comments.
- On May 15th 2018, [Northern Harvest Sea Farms pled guilty](#) to knowingly using Salmosan 50 WP without Provincial approval.

Given this track record of significant violation of rules designed to protect the environment it is important to design a provincial regulatory environment with robust regulation and enforcement capacity. Reliance on self-reporting is not adequate, especially considering a history of rule violation within the local industry.

Comments on Aquaculture Act Modernization

In response to some general questions raised by Government of New Brunswick staff at a meeting at the Department of Agriculture, Aquaculture and Fisheries office in Saint George on February 7th, 2019, I'll provide some comments in two overarching categories that relate to provincial jurisdiction. CCNB looks forward to further engagement when the Government of New Brunswick details planned amendments to the Aquaculture Act.

Siting and Leasing:

It is worth acknowledging that the current layout of aquaculture site leases in southwest New Brunswick was developed in another era and that it is unlikely that the same configuration of sites would occur

now in a science-based siting process. Thus, even improved, regulation will need to contend with non-ideal siting layout.

In order to contend with some of the challenges wrought by past siting decisions, lease renewals should be taken as an opportunity to review site conditions and consult rights-holders, other marine industries, local municipalities and property owners, and other stakeholders such as NGOs. Such reviews would allow an opportunity for affected parties to raise concerns and propose solutions. Further, the Province should be prepared to deny lease renewals where significant impacts on rights-holders or other marine users cannot be significantly mitigated.

Transparency and Reporting:

Aquaculture takes place in coastal environments shared with many other marine users as well as vibrant and sensitive marine ecosystems. Aquaculture activities release a variety of pollutants into these shared waters. These pollutants or potential pollutants may be released through planned aquaculture operations (e.g. pesticides released after sealice treatments; antibiotics or in-feed drugs in fish wastes; nutrients from fish waste and uneaten feed) or through accident or negligence (debris; escapes). In addition to pollutants, regular farm operations have significant opportunities to interact and impact other marine activities (e.g. towing of cages or other infrastructure during fishing season).

Given the significant interactions between aquaculture and the marine environment, it is imperative that information that pertains to impacts on marine ecosystems and/or rights-holder and other marine users be readily available. Some relevant information is already available to some rights-holders and stakeholders, but transparency could be increased by a central clearing house for information (I believe this is what was intended by GNB staff when they proposed an aquaculture registry). Publicly available information should include (at least): pesticide treatments (site, date, product, quantities); escape events; sealice counts; and regulatory compliance data (i.e. sediment sulfide levels). This data should be posted real time, not as an annual summary. Some information sharing (such as cage towing during lobster season) need not be shared with the public but should be mandated by government to reduce negative interactions between marine industries.