

Aquaculture Management Offices
Fisheries and Oceans Canada
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February 9, 2021

Re: Joint *Aquaculture Act* consultation submission

To Whom It May Concern,

We thank you for the continued opportunity to comment on the development of Canada's first-ever *Aquaculture Act*. The signatories to this submission are brought together by a number of shared goals, including the preservation of healthy aquatic ecosystems, the protection and restoration of marine and freshwater biodiversity, the advancement of reconciliation and self-determination for Indigenous communities, and the development of ecologically sustainable coastal livelihoods. We have been participating formally in consultations surrounding the development of the proposed *Aquaculture Act* since 2018, and we have been following the Act's development prospects since its earlier conception.

In December of 2019, during the first round of *Aquaculture Act* consultations, we provided lengthy commentaries, a series of outstanding questions, and recommendations for each section of the Act (see two documents added as appendices here). Upon the initial receipt of the *Aquaculture Act* "Discussion Paper" in August of 2020, we were dismayed to see few of those recommendations reflected. We use this second opportunity for comment to reiterate the most fundamental components of those 2019 submissions. At this point, we are concerned that a limited, industry-driven mandate has left little room for a Canadian *Aquaculture Act* that can meaningfully enhance protections for the aquatic habitat or wild fish. We fear that without the principles outlined here at its core, that the Act's implementation may do more harm than good for marine and freshwater ecosystems in Canada.

Foundational principles for the *Aquaculture Act*

We urge the adoption of the following foundational principles in future *Aquaculture Act* draft papers. These principles are aimed at protecting ecosystems, advancing Indigenous sovereignty, upholding the trust of the Canadian public and ensuring an uncompromised regulatory authority:

- Ensure aquaculture activities minimize risks to habitat or wild fish populations through enhanced and standardized regulation across Canada.
- Remove the promotion of aquaculture and its products from DFO's mandate.

- Incentivize the open net-pen industry toward closed containment production systems and develop a just transition program for workers in the sector.
- Promote reconciliation with Indigenous communities and self-determination for Indigenous governments.
- Recognize the federal government's role in protecting marine biodiversity in Canada.
- Ensure that Canada meets its international commitments to protecting wild salmon from the impacts of salmonid aquaculture.

Core legislative components for the *Aquaculture Act*

Similarly, we emphasize the critical nature of the following legislative components, as described in our 2019 submissions. We consider the inclusion of these components as a minimum for our continued support of the *Aquaculture Act*'s development:

- The purpose of the *Aquaculture Act* must be the effective, precautionary regulation of aquaculture to ensure the protection of wild fish, fish habitat and marine biodiversity.
- The *Aquaculture Act* and regulations must, to the extent possible, set consistent national standards for all aspects of any aquaculture operation in Canadian waters.
- The regulatory standards under the *Aquaculture Act* must meet or exceed existing federal statutes including, but not limited to, the *Fisheries Act*, the *Canadian Environmental Protection Act*, the *Species at Risk Act* and the *Pest Control Products Act*. The *Aquaculture Act* must not exempt aquaculture activities from the application of these statutes or associated regulations.
- A federal *Aquaculture Act* must close gaps in *Fisheries Act* protections for wild fish by explicitly addressing all impacts imposed by aquaculture (e.g., interbreeding, ecological interactions, sea lice, disease), as well as those resulting in alteration, disruption or destruction of fish habitat.
- The *Aquaculture Act* must be consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), including requiring the free, prior and informed consent of Indigenous communities in the development of any aquaculture project.
- The *Aquaculture Act* must establish a clear enforcement framework with provisions for enforcement officers, offences, and penalties, including providing enforcement officers with a

range of responses to breaches of the Act, its regulations or licence conditions. That range should include ‘ticketing’ offences through to mandated removal of farm stock.

- The *Aquaculture Act* must provide strong regulatory guidance to all jurisdictions across Canada and set national standards which all other jurisdictions must meet or exceed.

With these elements in place, we can create a progressive *Aquaculture Act* with the capacity to protect aquatic ecosystems and consistently regulate aquaculture activity across Canadian waters. Such an Act could make Canada an international leader in aquaculture industry governance and meet a variety of domestic and international commitments related to the protection and long-term sustainability of the marine and freshwater environments.

We encourage follow-up from Fisheries and Oceans Canada staff in further discussion of this submission. We look forward to the release of an adapted legislative draft. We thank you for this further opportunity to contribute in the meantime.

Sincerely, on behalf of the following signatories:

Antigonish River Association

Tim Handforth, President

Atlantic Salmon Federation

Bill Taylor, President

Cheticamp River Salmon Association

R n  Aucoin, President

Cornwall and Area Watershed Group

Karalee McAskill, Coordinator

David Suzuki Foundation

Kilian Stehfest, Marine Conservation Specialist

East Coast Environmental Law

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Margot Venton, Program Director

Ecology Action Centre

Shannon Arnold, Senior Marine Program Coordinator

Fédération québécoise pour le saumon atlantique

Normand Fiset

Freshwater-Alexander Bays Ecosystem Corporation

John Baird, President

Georgia Strait Alliance

Christianne Wilhelmson, Executive Director

Living Oceans Society

Karen Wristen, Executive Director

Margaree Salmon Association

Bill Haley, President

Nashwaak Watershed Association Inc.

Peter Toner, President

New Brunswick Salmon Council

Kevin Davidson, President

New Brunswick Wildlife Federation

Nathalie Michaud, President

Newfoundland Outdoor Heritage Coalition Inc.

Barry Fordham, President

Northern Confluence

Nikki Skuce, Director

Nova Scotia Salmon Association

Mike Crosby, President

Prince Edward Island Council of the Atlantic Salmon Federation

Scott Roloson, President

Rattling Brook Salmon Restoration Committee

Allan G. Paddock, Chair

Salmon Preservation Association for the Waters of Newfoundland

John McCarthy, President

Salmonid Association of Eastern Newfoundland

Robert Bishop, President

Salmonid Council of Newfoundland and Labrador

Leo White, President

St. John Basin Salmon Recovery Inc.

John Bagnall, President

St. Mary's River Association

Scott Beaver, President

Watershed Watch Salmon Society

Stan Proboszcz, Science and Campaign Advisor

West Coast Environmental Law

Georgia Lloyd-Smith, Staff Lawyer