

DOELLE-LAHEY REPORT HIGHLIGHTS

A New Regulatory Framework for Low-Impact/High-Value Aquaculture in Nova Scotia- The Final Report of the Independent Aquaculture Regulatory Review for Nova Scotia [The Doelle-Lahey Panel]

This report calls for nothing short of ***“a fundamental overhaul of the regulation of aquaculture in Nova Scotia,... to address the many serious and legitimate concerns.”***

CORE CONCLUSIONS:

1. ECONOMIC/ ENVIRONMENTAL (HIGH VALUE/ LOW IMPACT)

“We conclude that a fundamental overhaul of the regulation of aquaculture in Nova Scotia is called for. We conclude that this overhaul should be guided by the idea that aquaculture that integrates economic prosperity, social well-being and environmental sustainability is one that is low impact and high value. By this, we mean aquaculture that combines two fundamental attributes: it has a low level of adverse environmental and social impact, which decreases over time; and from the use of coastal resources it produces a positive economic and social value, which is high and increases over time.”

The report validates the significant and unacceptable negative environmental and social problems with open net pen fish farming, and calls for the integration of environmental protection with economic and social prosperity, resulting in a net benefit to Nova Scotia coastal communities- a consistent foundational element of the Environmental Goals and Sustainable Prosperity Act (EGSPA), and the recent One Nova Scotia Commission’s “Now or Never” ‘Ivany’ report.

2. SOCIAL LICENCE/ COMMUNITY APPROVAL AND TRANSPARENCY

“The attitude that informs regulation must take the concerns of those who live in coastal communities seriously and at face value.”

“We recommend that members of the public be provided with an opportunity set out in legislation to apply to have a lease revoked where there is clear evidence of biophysical unsuitability of the site, or where there is a clear pattern of substantial non-compliance with terms and conditions of the licence.”

“Regulations and licence requirements must be enforced. Penalties must be significant to act as a deterrent. Ongoing lack of compliance should be associated with lease termination.”

“We recommend that an ongoing Regulatory Advisory Committee (RAC) be struck... to advise the DFA on the implementation of aquaculture regulations, on possible changes to the regulatory framework in the future, on significant policy

issues relating to regulation as they arise and on the overall effectiveness of the regulatory framework."

"The Regulatory Advisory Committee (RAC) would include stockholders such as Coastal communities, the Fishing industry, and Environmental and conservation organizations."

"Our conclusion is that the aquaculture industry in Nova Scotia, particularly marine-based salmon farming, has a social licence problem." and "the social licence issue cannot be addressed unless the effectiveness of the regulatory framework is significantly improved and is seen to be improved in visible and tangible ways."

"The pervasive discretion built into the current regulatory framework must be limited in a new regulatory framework if the new framework is to enjoy the trust and confidence that it needs to be successful."

"One of the guiding principles of the regulatory framework should be to provide for transparency throughout the regulatory cycle."

"The perceived lack of transparency in how aquaculture has been regulated to date was one of the concerns raised most consistently during our consultations"
The absolute need for much greater transparency is a main conclusion of the report.

3. PROTECTION OF WILD SALMON

"(The recommendations) are intended to ensure that aquaculture is conducted with due regard for the health and well-being of Nova Scotia's wild salmon populations."

"... the research shows that salmon farming can seriously harm wild salmon..."

"We have recommended that protection of wild salmon populations be listed in the legislative framework as one of the criteria to be considered in leasing and licensing decisions."

"appropriate physical separation between marine-based aquaculture and salmon rivers and known salmon migration routes"

"the regulatory framework should deal more extensively with the prevention of escapes" (including) "require operators to adopt, implement, and track and report on... a comprehensive containment system that aims – to the greatest extent practicable using best management practices and best available technology – to prevent escapes."

4. COMMERCIAL FISHERIES/ LOBSTER

"It should be a basic and fundamental condition for the licensing of fin-fish aquaculture in a marine setting that oxyc conditions (normal or specified levels of

oxygen in the water column) can be and have been maintained"

"There should be a legislative requirement that terms of the licence will be reviewed following the conclusion of each growing cycle to ensure the site conditions are suitable for another growing cycle"

"We recommend that Nova Scotia's regulatory framework should prohibit the use of any substance or method of anti-fouling that results in the dispersal of copper, other heavy metals or potentially harmful chemicals into the environment."

"... one of our core recommendations is the creation of a classification system under which coastal areas would be rated as Green, Yellow, or Red based on their relative suitability for fin-fish aquaculture."

A key goal of the regulation of aquaculture is *"Ensuring that aquaculture is developed and conducted to establish its compatibility with the well-being and prosperity of other sectors of the Nova Scotia economy, including the lobster fishery, the tourism industry and the fly-fishing industry"*

5. IMPLEMENTATION AND REGULATORY AUTHORITY

The report *"concludes that responsibility for aquaculture regulation should largely stay with the Nova Scotia Department of Fisheries and Aquaculture (DFA)."* The authors however, note the very key to this: *"The proviso to this conclusion is that it depends on acceptance and implementation of our proposed regulatory framework"*

"We have concluded that the province's regulatory capacity must be increased if Nova Scotia is to have a viable and trustworthy regulatory framework."

"There should be a clear organizational demarcation within the DFA between those who have decision-making responsibilities in the regulatory process and those who are involved in working to grow and develop the industry."

"(The recommendations call for) a transfer of responsibility for the monitoring component of the Environmental Monitoring Program (EMP) to the Department of Environment; and legislative changes that reduce the regulatory process's dependency on ministerial discretion."

"Regulatory transparency... is a crucial enabling condition for (this) conclusion"

"... the province should continue its commitment not to process applications for new fin-fish licences until the new regulatory system is in place."