

June 10, 2016

Ms. Madhu Malhotra  
Manager  
Ministry of the Environment and Climate Change  
Climate Change and Environmental Policy Division  
Land and Water Policy Branch  
135 St. Clair Avenue West, Floor 6  
Toronto, Ontario  
M4V 1P5

RE: EBR Posting 012-7186 - Provincial Policy Objectives for Managing Effects of Cage Aquaculture Operations on the Quality of Water and Sediment in Ontario's Waters

Dear Ms Malhotra,

We are submitting our response to the above captioned EBR posting at the same time as we are submitting our response to MNR's EBR posting # 012-5045 titled, Application Guidelines for Cage Aquaculture Facilities, as we see these two working in conjunction with one another and we have overarching concerns regarding both.

Our main concern with this industry is their ongoing use of open net cages to grow their fish, which results in the disposal of their nutrient rich waste directly into public waters and onto public lakebeds, as well as the release of an unidentified quantity of antibiotics and escaped fish. We do not think that this industry has the social license to contaminate public resources in this fashion.

We appreciate that MNR has a mandate to pursue opportunities to monetize the natural resources of Ontario for public benefit, but we feel that the licensing of public waters and lakebeds to a farm industry that releases 55 tonnes of Phosphorous per year into this shared environment is unjustifiable. We are troubled by the fact that the MNR screens these open net cage operations under the Class EA RSFD to a Category A (category of lowest concern) when there have been clearly identified environmental impacts from specific cage operations in the past (La Cloche Channel and Grassy Bay) and suspected impacts from other cage operations (Lake Wolsey). All Great Lakes based fish farms should be treated as Category C in the Environmental Assessment process. The current Category A classification undermines public confidence and hence impedes the securing of social license.

The MOECC has the responsibility to protect the environment including public waters and lakebeds. We provide the following critique of the Provincial Policy Objectives for Managing Effects of Cage Aquaculture Operations on the Quality of Water and Sediment in Ontario's Waters.

## Section 1

- The document specifies that the Policy Objectives will apply to farms with feed quotas of 2500 tonnes or less. This is the feed quota that we believe has been approved for the largest current farm. The document recognizes that additional objectives may be necessary for larger farms, but until these are developed the objectives for the smaller farms will be set as a minimum. We would suggest that a moratorium be put on larger farms or expansions of current farms beyond the 2500 tonnes feed quota until more rigorous objectives for these larger farms are developed.
- The Policy for Water Quality gives information about how the monitoring and reporting of the use of medicated feeds (antibiotics), that are also released as uneaten feed and excrement into public waters, is to be factored in to the "unique" cage licensing conditions.
- Although paragraphs 5, 6, and 7 say that drugs and pesticide use is regulated by the Aquaculture Regulations Act, to our knowledge, this Act has either not actually been released or is currently under review and challenged. Also under review is the Fisheries Act (sections 35 and 36 on the release deleterious substances). Furthermore, no public review of the Aquaculture Regulations Act has occurred and GBA feels any reliance by MOECC on this regulation is insufficient to protect Ontario's public waters.

## Section 2

- Much the Policy Document talks about MOECC's environmental protection mandate to manage Ontario's waters being driven by the **Ontario Water Resources Act** and the **Environmental Protection Act**. It fails to mention that the MOECC also has an obligation to manage Ontario's waters consistent with the objectives under the **Great Lakes Water Quality Agreement** and the **Great Lakes Protections Act**. The Ontario government has committed to reducing nutrients in the Great Lakes, not only by way of the **GLWQA**, but also through **Ontario's 12 Point Plan**, the **Lake Friendly Accord**, and the **Canada- Ontario Agreement on Great Lakes Water Quality and Ecosystem Health**. In light of all of the above we find it difficult to understand how one user of the Great Lakes water is being permitted by the Ontario government to dispose of their untreated, nutrient rich waste. None of the OWRA sewage works requirements or any of the Great Lakes stewardship requirements seem to apply to the cage aquaculture operations in the Great Lakes. The same privileges are not given to land-based aquaculture operations (or any other land based farming operation of size for that matter).
- We have long held that it is wrong for the Province to exclude Great Lakes fish farms from the **Nutrient Management Act**. While end of pipe is difficult to apply in open water locations the underlying principle that nutrient rich farm waste should be treated before being released into public water should be upheld, even if this means helping this industry migrate from open net to closed contained systems.

## Section 5

- This section speaks of the "footprint" not to exceed the area permitted for use, yet we are unaware of any policy regulating how large the permitted areas can be or the size that they may grow to. We do not want to see MNR using expansion of permit areas as a way to address waste assimilation challenges.
- To that point we continue to be troubled by statements such as the one made in this section that reads: "Further discussion through the MNR led 2010-2014 Collaborative Cage Aquaculture Sediment Policy Development Process identified waste assimilation

as a desirable environmental management outcome.” This may be desirable by the cage farmers and the industry supporters within the government, but it is not desirable to the public. As we have often stated, assimilation is not a sustainable solution to pollution.

### **Section 6**

- Policy #1 refers to containing the measurable effects within the permitted areas – but there is no set limit to the size of these permitted areas.
- Policy #2 – Dissolved Oxygen levels ought to refer to background levels, not the tipping point levels that make the receiving waters no longer healthy to local aquatic life.
- Policy #3 – This policy makes no mention of the nutrient objectives in the bi-national agreements, and Canada–Ontario agreements of the other legislation referred to above (Section 2).
- Policy #4 – Sediment Quality does not refer to the size of the permitted areas for sediment accumulation effects, nor does it make any mention of the possible effects such sediment and benthic invertebrate life may have on the proliferation of invasive species that have become so problematic in the Great Lakes aquatic ecosystem.

### **Section 7**

- We are concerned with the concept of relying on industry to monitor itself, both at the instigation of new operations and with existing operations. It is not in the interest of the industry to report in a timely fashion on measurements that are unfavorable to their continued operation. Moreover, the industry may not have the financial resources to do the extensive monitoring that is expected of them. The only financial information we have on this industry is through the publicly traded Dundee Corporation (owners of Blue Goose, formerly Mike Meeker’s fish farm). That operation is reported to be losing about \$150,000 per month. Under this financial pressure we expect that the industry will continue to press for less regulation, especially if the cost of measurement and reporting rests with the operators.

### **Section 8**

- We are concerned with the use of the word “may” when saying that “Cage aquaculture licensees...may be required ...” rather than MUST be required to submit water and sediment monitoring data.
- We appreciate the statement that “The Province is committed to transparency” in making data publicly available, as we feel that this is the only way that this industry will ever gain social license for the use of a public resource. However, given the past history, we maintain that industry and government have a long way to go on this score. Government has not been forthcoming in the past when asked for detailed information on the environmental impacts of this industry. A recent example of this involves the Blue-Green algae bloom and accompanying cyanobacteria outbreak on Lake Wolsey last fall, including the waters surrounding the cage farm in that location. We understand that MOECC reviewed this situation and even had scientists onsite during the bloom. We further understand that MOECC prepared a report and met with MNR and the operator to discuss the findings. Our requests for a copy of this report and the upshot of the discussions with MNR and the industry have fallen on deaf ears. We raised a question on what safeguards were taken to make sure that the fish that were present in the cages during this bacteria outbreak were not allowed to go to market, or at least first tested for contamination. Again silence from the government. This does not instill public confidence.

GBA would like to know exactly when and specifically how the MOECC intends to make all of the water and sediment quality data available to the public in a timely fashion.

We would be willing to meet again with MOECC and MNRF to discuss any and all of these points in more detail.

Sincerely,

A handwritten signature in cursive script, appearing to read "Claudette Young".

Claudette Young  
Chair - Aquaculture Committee

A handwritten signature in cursive script, appearing to read "Bob Duncanson".

Bob Duncanson  
Executive Director