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March 16, 2024

Minister Lebouthillier  
Fisheries, Oceans and the Canadian Coast Guard (DFO)  
200 Kent St  
Station 15N100  
Ottawa, ON  
K1A 0E6

**Re: Open Net-Pen Aquaculture, Lake Huron, Ontario**

Dear Minister Lebouthillier,

It has only been 4 months since we met with your staff advisors, Evan Sambasivam, and Morgan McCullough on November 10<sup>th</sup> 2023, yet so much has been happening with the Ontario regulated cage aquaculture sites and the Ontario Aquaculture Association (OAA) since we gathered to discuss our concerns.

- The OAA has released its Marketing and Growth Plan with the support of the Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA)  
<https://ontarioseafoodfarmers.ca/wp-content/uploads/2023/11/Ontario-Trout-Market-Assessment-Growth-Plan-Nov2023.pdf>
- Its stated aim is to triple production in 5 years and sell the farmed rainbow trout to the US (who still do not permit fish farming in their Great Lakes waters) and has a full marketing plan. We are alarmed to see that the key strategy, the **Choose Canadian Seafood Campaign**, is, “a joint project by Fisheries Council of Canada (FCC) and the Canadian Aquaculture Industry Alliance (CAIA). The campaign has received funding from the Department of Fisheries and Oceans through the Canadian Fish and Seafood Opportunities Fund, and this is a 2-year project that FCC and CAIA are looking to renew in 2024.” (p. 24 of the plan). Part of the Plan entails growing Steelhead trout, which is a popular fish (high demand) in the State of New York. The Plan also entails creating new farms at more sites in northern Lake Huron as well as Lake Superior.

- Furthermore, the cage farm corporate leadership is working with the MNRF to terminate the current 5-year open net pen aquaculture licenses and replace them with 20-year licenses. These new licenses will be Crown leases rather than simple land use permits for the lakebed, thereby providing more ownership rights and the ability to expand the operational zones for the fish farms.
- Increased operational zones have already been granted to some cage farm sites.
- Partnerships are being made with First Nation communities.
- The three Ontario Ministries (MNRF, MECP, OMAFRA) that are proscribed under the Bill of Rights to keep the public informed by posting changes for public input on the Environmental Registry for Ontario are still not doing so. We are granted meetings with the Ontario Regulators, but still many details are left for us to find on our own.
- For instance, MNRF have extended the cage farm licences until 2025 without advising the public.
- The Lake Wolsey embayment site was under investigation by the MNRF and about to be shut down due to frequent harmful algal blooms in the receiving waters, and multiple cyanobacteria outbreaks. MECP intended to test the water quality after some of the cages were sold, but can no longer do that due to the agreement reached between the non Indigenous fish farm owner and the nearby Sheshegwaning First Nation. That agreement thereby converted this site to another Indigenous site and allowed hazardous operations to continue that will pose an ongoing threat to water quality (including cyanobacteria outbreaks) in the area.

We would like to draw your attention to the precautionary approach: in fisheries management, the precautionary approach requires: “Being cautious when scientific knowledge is uncertain, and not using the absence of adequate scientific information as a reason to postpone action or failure to take action to avoid serious harm to fish stocks or their ecosystem. This approach is widely accepted as an essential part of sustainable fisheries management.” (source: SCIENCE AT THE DEPARTMENT OF FISHERIES AND OCEANS, Report of the Standing Committee on Fisheries and Oceans, MARCH 2023).

**Since there is insufficient science to understand the potential long-term environmental impacts of open net fish farming (because this research has never been done), following the precautionary approach would yield a decision to cease open net pen aquaculture operations (i.e. move these operations into land-based facilities) until such time as there is sufficient scientific knowledge of these impacts.**

We call your attention to the 2015 Michigan State Study done by the Science sector (Great Lakes Net-pen Commercial Aquaculture: A Short Summary of the Science). The report was submitted in 2015 by the Science Advisory Council to the Michigan Quality of Life Group, including Michigan Departments of Agriculture and Rural Development, Environmental Quality, and Natural Resources: [https://www.michiganseagrant.org/wp-content/uploads/2018/10/AquaRprt\\_504335\\_7.pdf](https://www.michiganseagrant.org/wp-content/uploads/2018/10/AquaRprt_504335_7.pdf).

Within the summary are these two quotes:

- "If individual operations end prematurely, the industry must be held accountable for modifications (both physical and biological) to the environment via decommissioning. To ensure success, we urge regulatory agencies to require performance and payment bonds to fund decommissioning; insurance also could provide these resources. At a minimum, decommissioning must 1) remove all constructed structures (see Operations); 2) monitor all ecosystem features until they return (as close as possible) to pre-installation levels (see Ecological Interactions, and 3) rehabilitate those ecosystem characteristics unresponsive to simply the removal of the net pens or cages (see Ecological Interactions). Industry only can accomplish these goals by having robust pre-installation data (as required by the active adaptive management approach) by which to compare data from decommissioned sites." p.27
- "Hence, net-pen effluents exploit a portion of the limited loadings permitted by the Great Lakes Water Quality Agreement (GLWQA, 2012), making it unavailable to alternative development. Any opportunity lost is, of course, borne by the public as nutrient control costs are externalized to the waters of the Great Lakes. One way of preventing this externalization of costs is to develop technology that would allow net-pen operators to collect and treat wastes onsite and dump treated waters into the lake. Our advice is that the industry should work to develop such technology, with net-pen and cage operations limited until this option is available." p.28

We recommend that these maxims are applied in Canada's Great Lakes waters.

During recent correspondence with one of the Canadian Advisors of the Great Lakes Fishery Commission (GLFC) concerning the OAA expansion plan, the Advisor informed GBA that there will be a GLFC meeting during the week of March 18<sup>th</sup>, 2024. The Advisor further stated that: "At the time of our last meeting, the urgency was not as clear as it now seems to be. I'll post the market survey and growth plan that you sent me in advance of the meeting. The U.S. Advisors in general were very concerned about the issue back in 2014 when they urged the industry inland."

We have recommended they contact your office to discuss how these OAA expansion plans comply with the Canada-Ontario Agreement.

We are still awaiting the results of the review and updating of the 2011 ***Canada – Ontario Agreement (COFA) subsidiary Agreement on Aquaculture development*** (2011 MOU) that GBA recommended. We hope to meet with you to hear about its progress. The review began last year, but we have not been provided with any information about the nature of the updates/changes.

When the net pen industry in the Great Lakes waters was overseen by DFO and ECCC prior to 2011 – the Ontario Sustainable Aquaculture Working Group was in existence with federal/provincial, business and academia determining the studies required to ensure sustainability. Such studies are now provided by the University of Guelph but only for the cage farm industry interests. We have not seen any studies that demonstrate that the long-term impacts of this growing industry will not degrade the waters for future generations.

Some of the studies mentioned at the University of Guelph's workshops we attended were to create new fish feeds that will increase the adaptability of the fish to the expected warmer waters caused by climate change. Others were for less fishmeal in the feed and use of insects to try to reduce the phosphorous output.

Our estimates show that if the industry should successfully triple the production in the expected 5 years, the amount of phosphorus released will increase from its current level of about 60 MT of total phosphorus up to about 150–160 MT per year, if other conditions remain constant.

During the workshop, a First Nation Elder spoke of the damage done by the LaCloche Channel site within the sacred basin of the Whitefish River First Nation lands. At this site the undesirable anoxic (low oxygen) conditions of the water were attributed to this operation and documented by Hamblin and Gale (2002) and Clerk et al. (2004). The Whitefish River First Nation claim that the anoxic conditions continue, and the fish have never returned. No remediation took place to fix the problem. We hope the University of Guelph will create a project for its students to assess the damage the industry left behind there.

Both the International **Great Lakes Water Quality Agreement**, and the **Canada-Ontario Agreement** speak of Lake-wide basin management, with emphasis on stressors that net pen farms contribute to, such as: nutrient loads in the nearshore waters (phosphorus and nitrates); invasive species (attracted to net pen operations); loss of habitat (and competition for food sources with wild fish) impacted by large escapements; and ongoing impacts of climate change – severe storm action and warming waters.

We respectfully ask you to set up another meeting as promised, so that GBA's Aquaculture Committee may continue to learn what we can about the situation in the waters we share.


Finally, we have the following specific requests and questions:

1. With regard to the activities and intended growth of the Ontario open net pen aquaculture industry will Fisheries and Oceans and ECCC ensure that these growth plans are consistent with the Canada-Ontario Agreement, and the Great Lakes Water Quality Agreement and its 10 Annexes, and the Great Lakes Protection Act; and will you inform the IJC?
2. Since these cage farms have never undergone a full environmental assessment, and Canada is responsible for such, as per Section 7.3 of the MoU of 2011, will there be a full environmental assessment before any further production growth occurs in Great Lakes Waters?
3. According to the Annex of the 2011 MoU, Canada is the Lead for Fisheries Act Compliance, Fish Habitat Management Compliance and Scientific Research. Will DFO ensure that sufficient research is done to measure the long-term impacts of the Ontario open net pen aquaculture industry on water quality and habitat so that they are fully known, negative impacts are prevented, and the industry operates in compliance with the Fisheries Act?
4. Please could you provide a copy of the *Federal/Provincial Environmental Assessment Coordination: A Guide for Proponents and the Public* referenced in section 7.5.2 of the 2011 MoU.

5. 11.2 of the 2011 MoU references the *Strategy for Sustainable Aquaculture Development in Ontario*. Please advise who created this strategy - the industry, DFO, or the Ontario Ministries?
6. Please advise who the members are of both the Canada-Ontario Fisheries Advisory Board (CONFAB) and the Aquaculture Management Committee referenced in Section 17 of the 2011 MOU.
7. Section 17.4 of the 2011 MOU, regarding the Aquaculture Management Committee, mentions that one of the roles of this committee is to: “facilitate inter-agency coordination, sharing of information and the involvement of concerned persons as necessary for the successful implementation of this Agreement.” GBA would like to be considered as a “concerned person”, and would also like to recommend one of the Canadian Advisors to the Great Lakes Fisheries Commission be invited as another concerned person.

We thank you for your consideration and look forward to the next meeting with your staff advisors.

Yours sincerely,



**Rupert Kindersley**  
Executive Director



**Claudette Young**  
Chair, GBA Aquaculture Committee

*The Georgian Bay Association (GBA) is an umbrella organization for 18 community associations along the east and north shores of Georgian Bay, representing approximately 3,000 families. We have been advocating on behalf of our members for over 100 years and estimate that we reach and influence over 30,000 residents of the Georgian Bay. Our mandate is to work with our water-based communities and other stakeholders to ensure the careful stewardship of the greater Georgian Bay environment.*

**Copy to:**

Prime Minister Trudeau

Minister Stephen Guilbeault ECCC

Morgan McCullough DFO, Policy Advisor and Ontario Regional Advisor

Evan Sambasivam DFO, Regional Advisor - Ontario, Prairies, and North