

# **Nova Scotia Department of Fisheries and Aquaculture**

## Regulatory Review: What We Heard Summary Report

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DAVIS PIER

# Preface

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Nova Scotia’s current aquaculture regulations have been in place since 2015. They were developed based on recommendations from an independent review led by Meinhard Doelle and William Lahey<sup>1</sup>.

A review of Nova Scotia’s regulatory framework for aquaculture began in 2021 and is being led by the Department of Fisheries and Aquaculture. The Nova Scotia Aquaculture Regulatory Advisory Committee (the Committee) plays a critical role, advising on the findings and bringing forward recommendations to the Minister of Fisheries and Aquaculture.

Davis Pier has been contracted to facilitate and support this review. Taking a human-centred approach, Davis Pier initiated the review by seeking input from the public and engaging stakeholders to listen and learn about their experiences and perspectives on key issues and opportunities for regulatory improvement.

The purpose of this document is to share what we heard from the public and stakeholders about Nova Scotia’s aquaculture regulations and how they might be improved. This feedback will inform the Committee’s work in making recommendations for regulatory improvement.

*To learn more about the aquaculture regulatory review click [here](#).*

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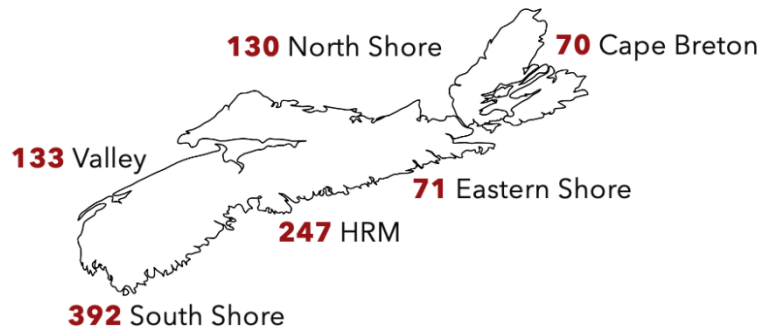
<sup>1</sup> Doelle, Meinhard and Lahey, William, ‘A New Regulatory Framework for Low-Impact/High-Value Aquaculture in Nova Scotia,’ 2014 Dalhousie University Schulich School of Law, page vii.

# Engagement Approach

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The engagement approach for the aquaculture regulatory review was done through an online public survey and in-person and online meetings with various stakeholders. The objective of the engagements were to understand their experiences, concerns, and perceptions about the implementation of the aquaculture regulatory framework.

The online public survey opened on August 3, 2022, supported by a public input guide that explained the current aquaculture regulatory framework. During the four-week public engagement, **988 surveys were completed**, 864 of which were by Nova Scotia residents from all regions.



*Public Survey Respondents by Region*

There were 43 stakeholders engaged, including representatives from the aquaculture industry, fish harvesters, environmental and community organizations, municipalities, and academia. These engagements were structured as in-person or online meetings which followed a theme-based discussion guide.

# What We Heard

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A perspective shared through the public survey respondents and engagements with stakeholders, was that the **current regulations are a good start** and that they support continuous improvement of the implementation of the regulations.

Three themes emerged from the engagements and survey responses - **Regulatory Rightsizing, Transparency, and Public Participation**. They represent the experiences, concerns, and perceptions that the public and stakeholders hold about the Aquaculture Regulatory Framework. These themes capture the thoughts and opinions with the intent to inform the next steps of the review and recommendations for regulatory improvement.

# Regulatory Rightsizing



We heard that a “one size fits all” approach to regulation has created disparities within the sector.

We heard from stakeholders about:

- a desire for distinct **regulatory processes** that reflect the risk level and scale of the operation with clear and comprehensive decision-making factors.
- concerns related to the time commitment for operators and length of the **decision-making** process and approvals.
- the need for **decision factors** by sub-sectors to be clear, comprehensive, and comprehensible.
- **licence and lease fees**, where operators said the fees they currently pay are fair; while others are not confident the fees are adequate for the use of the public resource.
- the need to address **environmental concerns** in a more substantive way to ensure the long-term sustainability of the sector.
- concerns that **smaller operators are burdened** by a regulatory framework with reporting requirements, and leasing and licensing processes that are cumbersome and expensive.

We heard from public survey respondents about:

- concerns that operators are not adhering to regulations, and government not meeting its obligations for **monitoring compliance and enforcement**, allowing companies to operate out of compliance knowingly.

# Transparency



We heard that information about the sector and the regulations are not being made available and not easy to access by the public.

We heard from public survey respondents and stakeholders about:

- a lack of **available and accessible information** in several areas of interest, including:
  - Fish health and surveillance
  - Escape and disease reporting
  - Environmental monitoring
  - Application and decision-making information
  - Regulatory compliance and enforcement
  - Farm Management Plans
  - Public engagement processes
  - Application processes, decisions, and information
  - Leasing processes, decisions, and information

We heard from public survey respondents about:

- a lack of clarity around how the regulations address **environmental concerns** and how operators manage environmental impacts as stewards operating in public waters.
- a lack of transparency in the **decision-making processes**. People want to understand how decisions are made, who is involved in them, and how environmental impacts are factored into process.

# Public Participation



We heard that people want inclusive and meaningful engagement from industry and government when it comes to aquaculture.

We heard from public survey respondents and stakeholders about:

- a desire for **enhanced communication** about early activities and planned engagements explaining how the public can get involved.
- the importance of **working together with Mi'kmaq communities** as partners and stewards in the sustainable growth of the aquaculture sector.
- public **engagement processes being ineffective**, requiring a large investment of time for both the public and operators.
- operators meeting the regulatory requirements for their application process, however the current **engagement mechanisms** (i.e., public information meetings, community liaison groups) are not always meeting public expectations and needs of the communities closest to aquaculture activities.
- the Aquaculture Development Area pilot, currently underway in the Municipality of the District of Argyle, referenced as a promising way to better support public and **community participation**.
- a desire for more inclusive public and community **participation in decision-making processes**, for both administrative and adjudicative processes. Many expressed concerns about the adjudicative process being unnecessarily formal, complex, and inaccessible without legal representation.

In addition to the feedback, we heard on regulatory rightsizing, transparency, and public participation, we also heard from the public and stakeholders about broader sectoral issues, including but not limited to:

**Ecosystem Effects:** concerns that the aquaculture sector may be negatively affecting the commercial fishery and ecosystem. Many suggest there is need to separate the locations of fish harvesting and aquaculture operations, as they may impact commercial fishing harvests levels and concentrated activities may over stress the local ecosystem.

**Escapes and fish health:** concerns related to fish escapes and the negative impact on both the environment and wild fish populations. Some question the accuracy of reported fish escapes from net-pen aquaculture. Additionally, there are concerns and perceptions that farmed fish are not healthy due to their environment and could be unhealthy to consume.

**Sector Opposition:** concerns over the long-term environmental impacts of the aquaculture sector in Nova Scotia. Some survey respondents expressed concern about

the continued use of marine net pens, and some suggested ceasing all aquaculture operations in the province. There is a sense that coastal waters aren't deep enough to support marine net-pen operations or don't allow for adequate flushing. Land-based aquaculture was presented as a possible alternative to marine net-pen.

**Sector Innovation:** the long-term sustainability of the aquaculture sector requires investment in research and innovation, and support for the adoption of leading environmental and sustainability practices. Operators would like to see hatcheries established in the province to support a prosperous and sustainable sector. Community and environmental organizations would like to see more research related to the impacts of climate change and sustainability of the sector.

# What's Next

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What we heard from Nova Scotians, through the public input and stakeholder engagements, is that the **current aquaculture regulations are a good start**. That said, there is **room for improvement by enhancing what is in place and continuing to strengthen the regulatory framework** in ways that will build a sustainable, responsive, and prosperous aquaculture sector in Nova Scotia.

Informed by the engagement findings, the next steps in this regulatory review are:

- Davis Pier will prepare a report with recommendations for submission to the Minister for regulatory improvements from the Committee.
- The Department will review the Committee's recommendations and bring forward legislative and regulatory amendments for government consideration in 2023-2024.
- The Department will consult the Mi'kmaq of Nova Scotia on regulatory amendments.

Davis Pier would like to take the opportunity to thank the public and stakeholders who took the time to share their experience and knowledge about sector and offer suggestions on areas for regulatory improvement.