



July 27, 2020

The Honourable Keith Colwell, M.L.A.  
Minister of Fisheries and Aquaculture  
1800 Argyle Street, 6th floor (Suite 607)  
Halifax, Nova Scotia B3J 3N8

Dear Minister Colwell,

We are writing to you today to express our serious concerns about the renewal decision of the Port Mouton Aquaculture site #0835 operated by Ocean Trout Farms Inc. ASF supports efforts by you and your department to improve the regulatory regime in NS and remains committed to working with your department, as well as other rightsholders and stakeholders, to ensure that the interests of wild Atlantic Salmon and their environment are protected. However, we strongly feel that this decision highlights some serious issues with the current regulatory regime.

In reading the decision we were surprised to see no mention of the published research by Inka Milewski and her colleagues. We understand from talking to Ms. Milewski directly and from the recent article in the Chronicle Herald (July 24, 2020) that her submission was not included in the public response due to a minor submission error on her part. Given the relevance of this research, which was also highlighted in our submission, and the stated decision-making criterion, efforts should have been made to correct this minor oversight and ensure that her submission was part of the public record.

Regardless of the inclusion of her submission, Ms. Milewski's work should have been considered and referenced in the renewal decision. Ms. Milewski's research specifically addresses the potential impacts of the aquaculture site in question on the optimum use of marine resources, on fisheries activities in the public waters surrounding the proposed aquacultural operation, and on the oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation, all of which are factors that must be considered under the Aquaculture License and Lease Regulations. The research in question is legitimate scientific evidence according to the standards set by the scientific community: it followed proper research protocols, underwent the peer-review process, and were published in scientifically reputable journals. Given that this is known legitimate scientific evidence that was conducted on the site up for renewal, NS DFA had an obligation to consider and discuss this work in its decision, regardless of whether this work was highlighted in a public submission.

The fact that pertinent scientifically valid research is not mentioned at all in the decision document, even if it was to be ultimately discounted, seriously calls into question the legitimacy of the regulatory review process. It raises the question that if legitimate and relevant scientific evidence of this nature is not part of the decision process and referenced in the decision document then how is the process a legitimate and thorough review of evidence for and against an application. If NS aquaculture regulations and processes are to be the gold standard, then an explanation for this serious oversight is needed. As such we respectfully ask that your department provide a detailed answer to the following questions.



1. Why was the published research by Milewski and others not considered and referenced in the decision document?
2. Will there be any changes will be made to the process to ensure oversights of this nature do not happen again?
3. What independent review is conducted by NS DFA of the scientific literature as part of the internal review process of evaluating applications? Does the process only consider evidence brought forth by the proponent and those public submissions deemed relevant? Is this not a major flaw within the review process?
4. What evidence would be considered sufficient to deny an application?
5. If pertinent scientific evidence on the very site being evaluated is not going to be considered than what does this mean for other scientific evidence that may be presented that indicates negative impact on endangered wild Atlantic Salmon and the environment that is scientifically relevant to other applications but arising from non-local sources?

Thank-you for your consideration in this matter.

Yours sincerely,

Kris Hunter  
Director, Nova Scotia and Prince Edward Island Programs  
Atlantic Salmon Federation

Cc:

Brennan Goreham, Aquaculture Administrator, NS DFA  
Bruce Hancock, Director, Aquaculture Division, NS DFA  
Inka Milewski, Research Association, Department of Biology, Dalhousie University  
Bill Taylor, President & CEO, ASF  
Rob Otto, COO, ASF  
Dr. Steve Sutton, Coordinator of Community Outreach and Engagement, ASF

About ASF:

*The Atlantic Salmon Federation (ASF) is an international conservation organization established in 1948. The Federation is dedicated to the conservation, protection and restoration of wild Atlantic salmon and the ecosystems on which their wellbeing and survival depend.*

*ASF's headquarters are in St. Andrews, New Brunswick, Canada, with regional offices in each of the Atlantic provinces, Quebec, and Maine.*

*ASF has a network of six regional councils (New Brunswick, Nova Scotia, Newfoundland and Labrador, Prince Edward Island, Quebec, and Maine), which cover the freshwater range of wild Atlantic salmon in Canada and the United States. The regional council in NS is the Nova Scotia Salmon Association.*

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