

## Case Study # 2

Interviewee: Sandy Hanson

Location of Aquaculture Site: St. Mary's Bay, Nova Scotia

### Background

Sandy Hanson resides in Freeport, Nova Scotia for five to six months out of the year and spends the remainder of the year in Pennsylvania. She has been a member of the St. Mary's Bay Coastal Alliance (SMBCA) since its inception. The SMBCA is a community group formed when its founding members first received notice of applications to construct open-net fish pens in the area. The villages of Long Island and Brier Island (Freeport, Tiverton, and Westport), located on St. Mary's Bay (SMB), have a combined population of approximately 800 residents. The primary industries in this area are the lobster fishery, traditional fishery, and coastal tourism. SMB is one of the most productive lobster fishing grounds in the province.

Cooke Aquaculture ('Cooke') is a New Brunswick-based company that conducts aquaculture operations along the east coast of North America and in several other countries. In March 2010, Kelly Cove Salmon Ltd. (a subsidiary of Cooke) submitted lease/license applications for two open-net pen salmon aquaculture sites in SMB. The Department of Fisheries and Aquaculture (NSDFA) approved the applications in June 2011. Cooke has operations at two sites in SMB, the first at Grand Passage and the second at Freeport. Each site contains 12 pens, located approximately 500 meters offshore. The original application called for 1 million fish at each site. Cooke began harvesting fish at the Grand Passage site in March 2013. Although stocking of the two sites occurred within a few months of one other, Cooke did not begin harvesting at the Freeport site until early 2014.

Community members responded to the development of aquaculture industry in their region by signing a petition to block Cooke from conducting open-net pen operations in SMB. Over 80% of the adult population of these communities signed the petition, and many stated on the petition their reasons for not wanting open-net fish farms in their area.

### Community Concerns

#### Environmental impacts

Community members have noticed changes to the local environment since the Cooke operations began. Members of the SMBCA notified Cooke that the shoreline was littered with Styrofoam and other aquaculture-related debris. Local fishermen have had to scrape substances off their boats that they attribute to the aquaculture operations, resulting in the need to repaint their boats more often than they would normally.

Following a storm in 2013, local fishermen noticed that several of Cooke's nets had been damaged by the storm. As a result of this storm damage, fish likely escaped from the pens. Fishermen observed seagulls feeding on some of the farmed fish. The damage and possible fish escape were reported to the authorities; the authorities did not investigate the site until three or four days after the incident. Fishermen also reported catching salmon in their lobster traps, which had likely escaped from the cages, after the storm damage took place.

Community members have expressed concerns about water contamination. Sandy Hanson had water from a local swimming hole tested by the Nova West Laboratory (Saulnierville, NS), and was told by the Laboratory that the water was contaminated and was warned to no longer swim in it. Since the aquaculture operation began, seagulls have been flocking to the area, attracted by the new food source. They leave behind a substantial amount of bird feces and feathers, which could be a cause of the water contamination.

### Economic impacts

Local fishermen are concerned that the aquaculture development will threaten their industry and thus their livelihood. Cooke's pens were constructed in an area known as "the Trench," which is a migration route for lobster, and prime fishing grounds. The Trench has been a traditional lobster ground for generations of local fisherman. To date only two local people have been hired to work at the fish farm sites. There is no indication that more local residents will be hired.

### Lack of community engagement

Community members have been frustrated by the lack of consultation on the part of the provincial and federal governments. Community members have sent hundreds of letters to Transport Canada (TC), the federal Department of Fisheries and Oceans (DFO), and NSDFA with questions and concerns regarding the proposed aquaculture operations. The only response they have received was a standardized letter from TC, and a standard response letter crafted by an Aquaculture Management Maritimes Region Senior Advisor (DFO), containing no specific answers. Community members began submitting information requests through the *Freedom of Information and Protection of Privacy Act* (FOIPOP) in May 2012 to seek information on meetings, correspondence, etc., related to Cooke's application and the approval. Some information was received more than 16 months later (October 2013) but much of the information requested has yet to be received. One point of interest from the FOIPOP information received to date is that some federal administrators, who were responsible for the approval process, refer to Cooke as their 'client.'

Cooke held a community meeting in Freeport about a year before they submitted their aquaculture licence applications. The purpose of the meeting was to discuss their aquaculture operation plans. At that time the community had concerns and fishermen expressed their wish not to have the pens in SMB. Community members did not have enough time to ask all the questions they had, and they did not hear from Cooke for a year after this meeting – not until Cooke had applied for their licence for the pens in SMB.

NSDFA held a public consultation meeting in Digby Neck during the application lease/licensing approval process. NSDFA chose a meeting location that was inconvenient for some as many community members had to take two ferries to reach the meeting. NSDFA asked the community members who attended this meeting to submit written questions following the meeting; to date the community has yet to receive responses to these questions.

SMBCA has tried to contact the new Liberal Minister of Fisheries and Aquaculture, but he has yet to respond. They were hoping that new leadership would lead to open dialogue between the community and the Province, but this has not yet been the case.

### **Legal Challenge**

In July 2011, SMBCA, the villages, and Freeport Community Development Association (FCDA) along with Atlantic Salmon Federation, filed a motion appealing the approval of Cooke's aquaculture lease/licenses. During the appeal process, which lasted nearly two years, the groups who filed the appeal attempted to negotiate regulatory conditions with the Province and Cooke. They sought measures to ensure that Cooke's open net fish farm operations would not harm the surrounding environment. These negotiations went on for many months, and in the end the Province would not agree to SMBCA's proposals to protect the marine environment. Eventually, SMBCA discontinued their appeal, as they no longer had the funds to continue. Cooke then sought to recover costs from the SMBCA, the villages, FCDA and the Atlantic Salmon Federation in the amount of \$23,000 to \$83,000. The judge awarded \$11,000 in costs to Cooke Aquaculture. The SMBCA had also filed a complaint with the Nova Scotia Office of the Ombudsman concerning NSDFA's approval of the Cooke license. A representative visited the community to speak to members of SMBCA, but stated that the Office was unable to assist SMBCA because of the ongoing appeal.