

**SWNB Marine Advisory Committee Meeting
Saint Mark's Anglican Church
St. George, NB
May 10, 2013**

Committee Members present

Jessie Davies
Mike Rouse
Bob Sweeney(citizen co-chair)
Gerhard Pohle
Maria-Ines Buzeta
Ken Hirtle
Larry Ingalls
Greg Thompson
Phil Atwin (for Nick Paul)

Absent

Phillip Ells
Klaus Sonnenberg
Kim McKinley
Mac Greene
Lois Mitchell

Government Co-chairs

Robert Rioux, DM Agriculture,
Aquaculture & Fisheries
Faith Scattolon, RDG DFO Maritimes

Government representatives present

Harvey Millar (DFO)
Russell Henry (NBDAAF)
Loretta McAleenan (NBDAAF)
Jason Naug (DFO)
Karen Coombs (NBDAAF)
Barry Hill (NBDAAF)
Mike Trenholm (CFIA)
Wole Oguntona (CFIA)
Jason McIntyre (NBDNR)
Linda Richard (CFIA)
Kimberly Justason (CFIA)
Debbie Boone (CFIA)

Presenters

Emery Legere (CFIA)
Margaret Hawkins (DFO)
Wilbert Sabine (NBDAAF)
Troy Lyons (NBDENV)
Rick Nash (NBDNR)

Opening Remarks:

Bob Sweeney, as Citizen Co-chair, welcomed everyone to the meeting and round table introductions were made.

Review and Approval of Agenda:

The Agenda was reviewed and adopted.

Approval of minutes of December 6th meeting

The question was raised as to whether or not a press release had gone out to the public with regard to the Marine Advisory Committee (MAC). Bob stated that he had been in touch with Barb Rayner and that the announcement had appeared in the Saint Croix Courier and it has been posted to the MAC website. Bob mentioned that Barb had asked him if the press would be permitted to come to the MAC meetings. After some discussion from the committee members, it was decided that the press not be allowed to come to the meetings as it may stifle the conversation because people might feel that their comments would be recorded. The purpose of this committee is to have open and frank discussions and this may not happen with the press in the room. It was felt that the transparency of this process lies with the fact that the agendas, minutes,

advice/recommendations, etc. from the meetings are posted to the website for the public to view so it was felt that there was no need for the press to be present at the meetings. Minutes were accepted and approved.

MAC recommendations from last meeting (status)

A question was raised as to the status of the advice/recommendations that were put forward by the MAC with regard to Marine Protected Areas (MPAs). Faith stated that the department had been waiting to see what the 2013 budget would look like and this would give a better idea of what the public engagement plan would be on network planning. Jason noted that staff had prepared formal responses to the recommendations put forward but felt it might be better to have them attend in person to speak to them as subject matter experts. Fisheries and Oceans Canada (DFO) staff is prepared to come to the next meeting to respond to the MAC's recommendations and provide an update on their Public Engagement Strategy, which they were waiting for some internal approvals for.

It was suggested that anything that requires follow up from a particular agency should be kept on the agenda for discussion at subsequent meetings in terms of what has been done with the advice/recommendations. A status report on advice/recommendations could be added to the agenda for each meeting. Also, the secretariat will forward any pertinent information or decisions that may have been made to the MAC prior to the next meeting.

Comments on process

Typically the minutes from the meetings are not posted to the website until they are accepted and approved at the following meeting. It was suggested that once the minutes have been forwarded to the MAC members for review/comments and once they have been approved by Faith and Robert, they could be posted to the website. The MAC would be given a reasonable amount of time to forward comments back to Loretta. The minutes would still be ratified at the next meeting.

CFIA Roles and Responsibilities related to Infectious Salmon Anaemia Virus (ISAV) (Emery Leger) (hard copies of presentation were handed out)

Dr. Emery Leger from the Canadian Food Inspection Agency (CFIA) provided a detailed presentation on the roles and responsibilities related to Infectious Salmon Anemia virus in the aquaculture industry. It is one of several diseases that CFIA is responsible for helping manage in partnership with the provincial government and industry. This issue had been brought forward for discussion by a MAC member based on concerns with an outbreak of this disease in Nova Scotia and an incident of a lobster kill in the project area. The focus of the discussion was limited to ISA.

A general discussion took place where a series of topics were covered including those related to:

- Risk of spreading ISA by kayakers moving near infected sites (not likely as the area is zoned to limit proximity of other users, there is enhanced biosecurity around the sites and dilution would prevent spread of disease)

- Monitoring of adjacent sites to those identified with ISA (neighbouring sites are monitored by CFIA and/or province. Movement controls on neighbouring sites are dependent on the identification of high risk contact between a neighbouring site(s) and the infected site)
- Timing of quarantining a site once it is suspected of having ISA (a site can be quarantined in less than 24 hours but it can take up to twenty eight days for a laboratory confirmation of ISA disease. Enhanced biosecurity, which includes the establishment of a staging area, is established to minimize the spread of the disease)
- The scope of what is quarantined on a site (everything is included in quarantine including boats, equipment, and fish)
- The development and review of Standard Operating Procedures (SOPs) that are to be followed (SOPs detail what is needed for various stages of management related to ISA and oversight provided by CFIA is based on SOP)
- The levels at which CFIA test for chemicals which may have impacted other species such as lobster (CFIA's mandate is to test for levels that might be harmful to humans; Environment Canada would get involved for other potential impacts)
- The duration that ISA infected fish remain on site and the potential risks associated with disease mutation and possible transference to other wild species (CFIA has a role to control the disease both within and off-site. They weigh many risk factors in deciding their management approach)

Common themes for advice/recommendations:

- Development, adoption, and auditing of SOPs for whole chain of activities associated with this issue;
- Need for a Contingency Plan as part of the approval process for sites;
- Quicker response times required;
- Try to minimize the time that fish are held once ISA is identified;
- Explore the trigger level for response – impacts to other species;
- Research into ISAV (transmission/ mutation) to include other diseases as well as PSP. Include the triggers and effects of decontamination process on other species; and,
- Explore other methods to minimize risk such as spacing of sites.

Marine and Coastal Debris (DAAF, DNR, DELG, DFO)

(PDF of presentations attached)

Overview – Karen Coombs

Marine debris is an ongoing issue and the presentations today will get into some of the details and the legislation that is in place around that. Some of the complaints that the department gets with regard to marine debris are:

- Hazards to navigation where people have run into ropes on an unmarked site
- Unauthorized use of the inter-tidal area
- Derelict gear

- Abandoned weirs and weir poles that have come up and drifted into a cage and caused damage

Department of Agriculture, Aquaculture and Fisheries (DAAF) regional staff tries to deal with the complaints when they come in by trying to find out who owns the gear, etc. If DAAF can't find out who owns the gear, or let the Atlantic Canada Fish Farmers Association (ACFFA) know, then it is passed to the next level. Today's presentation we will attempt to make it clear as to what everyone's role and responsibility are with regard to marine debris. Unfortunately, Transport Canada whose jurisdiction includes the marking of sites could not be here today. The Navigable Waters Protection Program is changing so there may be some changes in legislation. Transport Canada felt that things could change by next spring and it would be better to wait. There is a website that has information on marking sites, etc. If there are specific questions, staff will go back for a written response.

Direct concerns were raised by a MAC member on this topic which led to its inclusion on the agenda. These included a fallowed aquaculture site that was observed to break up over the winter, damage to a propeller from floating debris, and concerns with the impacts that waste Styrofoam could have on fish.

NB Department of Agriculture, Aquaculture, and Fisheries (DAAF) – Presentation by Wilbert Sabine

Infractions regularly found during inspections

1. All aquaculture structures and improvements are not within the boundaries of the leased aquaculture site which create navigational hazards outside the leased aquaculture site;
2. Corner buoys are either non-existent or not in the correct location although this is a Transport Canada requirement;
3. Unlicensed species are on site;
4. Beaches are littered with aquaculture debris, structures and improvements;
5. Various species of birds, fish or mammals are caught up inside the nets or cages although this is an Environment Canada or Fisheries and Oceans Canada issue;
6. Cages are found to be in poor condition and about to break free; or
7. If the site is fallowed, nets are not removed from all cages.

Discussion:

Wilbert Sabine proposed a number of specific changes to the Aquaculture Act and Regulations including:

1. All aquaculture structures and improvements require markings so they can be readily identified both on and off the lease;
2. An increased fine structure because the current fines are simple traffic fines. Currently the highest fine range is \$ 240.00 to \$ 10,200.00. Judges normally give the minimum;
3. An administrative ticketing system which would allow for immediate ticketing;

4. More precise wording in the Act, less ambiguity;
5. An offence section in the Act for violating the terms and conditions of the lease; and
6. An offence section in the Act for failure to maintain equipment, where failure is defined as if any structure is tipped over, partially submerged, partially untied from the cage or bag grid system or is broken in any way;

NB Department of Natural Resources (DNR) – Presentation by Rick Nash

- Crown Land can be defined as the area below the ordinary high water mark (OHWM) stretching out under the water column to an area approximately ½ way between NS and NB or to the USA-Canada Border
- This land is administered by the Minister of Natural Resources through the Crown Lands and Forests Act

There are three means of obtaining permission to access Crown Land

1. A Licence of Occupation - is a legal agreement authorizing the temporary occupation and use of Crown Land for such a period of time and under such terms and conditions as the Minister determines to be appropriate.
2. Crown Land leases - are issued for various uses under the following categories: Commercial, Communication, Institutional, Utility, Industrial, Transportation, Municipal Services, Shooting Range, and Camp lot.
3. Transfer of Administration and Control - DNR transfers the administration and control to Department of Agriculture, Aquaculture and Fisheries to administer a lease for the site.

Discussion:

A number of issues associated with Crown Land were discussed including:

1. Debris from Aquaculture and Fisheries Industry
2. Unauthorized vehicles and structures being placed on Crown Land
3. Removal of Beach material
4. Unauthorized use

Rick explained that there is a process in place that allows the Minister of DNR to enter into an agreement with a forestry company to manage a section of Crown Land. The terms are all negotiated ahead of time so both sides know what is expected. One of the parts Natural Resources likes about these agreements is the non-compliance component. The sanctions are set out and both sides are aware of the consequences. The penalties for these types of offences are administrative and not processed through the judicial system. The Minister or delegate becomes the judge and jury. An example of this in the fishing industry may be a marker buoy off a lease and the penalty is \$100. The inspector records the location sends a report in and the company is billed for the \$100.

NB Department of Environment and Local Government (DELG) – Presentation by Troy Lyons

Aquaculture sites require an Approval to Operate and an Environmental Monitoring Plan that includes a waste management plan.

DELG regulate marine sites and land based aquaculture hatcheries. There are about 60 active marine sites and 23 land-based sites (these are larger facilities >25,000 fish). The marine environment is regulated by DELG, DFO and EC.

Regulated by DELG, DFO and EC

- Proponent submits application to DELG
- Application reviewed by the Aquaculture Site Environmental Review Committee (ASERC) which advises DELG on the application
- If application is accepted, DELG issues a “Certificate of Approval to Operate”.
Marine aquaculture Approval classes include:
Class 7: < 100,000 fish
Class 8: > 100,000 fish
- Approvals are given under the regulatory authority of the Clean Environment Act’s Water Quality Regulation (82-126).

Link to the Environmental Management Program and Standard Operating Practices:

<http://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/water.html>

Waste Management

- The EMP requires that the operator follow Operational Best Management Practices which includes aspects of waste management.
- The EMP requires that the operator prepare a waste management plan. The provided plan is reviewed by DELG and serves as schedule C of the Certificate of Approval to Operate.
- The approval also contains a condition to keep site infrastructure in good repair so to ensure wastes are contained on the site.

Challenges

- Approval classification based on number of fish. If no fish present, no approval is currently required.
- Determining ownership once material has left the site area.

Department monitors benthic habitat below aquaculture cages and has seen a decrease in the number of anoxic sites over the past 10 years.

Organic Loading

Annual monitoring: Tier 1 monitoring required Aug. 1st – Oct. 31st

Site Classification: Based on benthic sulphide concentration

Tier 2 monitoring: Required for sites with average benthic sulphide concentration \geq 3,000 uM

Remedial action: Increases as site classification declines.

Discussion

- Derelict waste and noise are common complaints received from NB DELG

Fisheries and Oceans Canada (DFO) – Small Craft Harbours - Presentation by Margaret Hawkins

The main role of Small Craft Harbours is to keep harbours critical to the fishing industry open and in good repair.

The three main strategies to achieve this mandate are:

- Maintain a network of core harbours.
- Promote the formation of Harbour Authorities to ensure local control over management of commercial fishing harbours.
- Dispose of non-essential harbours by transferring all recreational harbours to local communities and reducing the number of derelict and low-activity fishing harbours.

Operating within a limited funding envelope:

- Regular budget has remained stable in the last 10 years while cost of construction has increased significantly
- Asset base too large for the current level of available funding

Changes with commercial fishing and aquaculture industries

- Larger vessels
- Increased activity at harbours

Aging infrastructure

- Deteriorating and in some cases not meeting current user requirements

A Divestiture Program is also in place to:

- Fulfill SCH's mandate in maintaining Canadian fishing harbours
- Created to transfer ownership of low activity, recreational and other designated harbours to a third party
- Designated sites offered in order of priority
- Nationally, 307± non-core recreational and fishing harbours remain on inventory.
- Regionally, 36 non-core sites remain on inventory to be divested, with 20+ being considered.
- The current estimate to divest or demolish the 36 remaining sites in NB, NS and PEI exceeds \$18 Million.
- Divestiture and removal progress will be slow unless additional funding is provided.

SCH continues to manage the facilities listed for divestiture by:

- Ensuring barricades remain in place, restricting access.
- Ensuring appropriate signage is in place
- Continuing to assess the risks associated with further damages to the structure

Common themes for advice and possible recommendations with regard to marine debris:

- Tagging of gear with identification markers
- Expand the potential for ticketing
- Draft a letter to be sent to industry recommending that they report back to the MAC before the next meeting?
- Make a recommendation to the Minister that the *Aquaculture Act* be changed
- Pursue the development for standards and a certification program for the aquaculture industry related to debris and site maintenance.
 - Go to industry first and ask them how this should best be done.
 - If this isn't effective, then seek the requirement for certification from the Minister
 - Should also include the fishing industry and federal government
- Group would like more time and perhaps another meeting to discuss these agenda items. This could be a meeting with just the MAC members.
- Education should be seen as the longer term solution

Comments received from MAC website

A comment was received from the website in regard to the closing of the St. Andrews Biological Station (SABS) library and changes to the research capacity at SABS. A question was raised as to whether the MAC could make a recommendation to DFO to reconsider the closure. Faith responded by saying that the library issue was a decision in the federal budget and that after reviewing the TOR for the MAC, she felt that since there is no policy that the MAC would be providing input on, this was outside of the TOR. She suggested that perhaps the Director of SABS could present the research agenda for the next 2- 3 years and the MAC could provide feedback to it. There was frustration expressed with the library closure issue and the fact that the community was not involved in the decision. Some members were not certain how broad the mandate of the MAC should be for inclusion in discussions and recommendations. The library closure and the decrease in staff and science programs at SABS is a concern to MAC members because expertise and science information specific to our geographic area are required for the MAC to develop sound advice and recommendations. MAC members agreed with the suggestion that the SABS Director present the research agenda and further requested that preparation of a summary of current capacity to respond to questions by MAC members be considered. This might be another topic to continue discussing before the next MAC meeting.

Loretta will forward any comments received from the website to the MAC members for discussion at future meetings.

Update on oil spill response event (Barry Hill)

A CANUSLANT information session was held at the St. George Community Centre on March 19, 2013. An exercise will be undertaken this summer in St. Andrews.

Potential items for discussion at future meetings

- MPAs
- Fisheries Act changes
- Oil and gas exploration – offshore NB
- Marine Debris continued
- Use of Community Vales Criteria (CVC)

It was suggested by the MAC members that the agenda items be limited to one item to facilitate adequate discussion. It was felt that there were too many presentations which did not leave adequate time for discussion. It was also suggested that the MAC members meet between regular meetings to discuss and formulate advice/recommendations.

Next Meeting - Loretta will solicit dates for the next MAC meeting, likely to be in September.

Action Items

- Loretta to e-mail oil website comments to MAC members
- Loretta will send the link to the oil and gas exploration blueprint
- Add “status of advice/recommendations” to future agendas