

**REPRESENTATION FROM DEREK PURCELL AND THE TWIN BAYS COALITION  
ON BILL 24 – AN ACT TO AMEND THE FISHERIES AND COASTAL RESOURCES ACT**

25 October, 2021

*Derek Purcell:*

- *BSc in Fuels and Materials Engineering – Chemistry (Royal Military College 1982)*
- *36 years as a Naval Officer in the Royal Canadian Navy – retired in 2016*
- *Supporter and senior volunteer with the Healthy Bays Network and the Twin Bays Coalition.*

*Twin Bays Coalition:*

- *Concerned citizens in the St. Margaret's Bay and Mahone Bay areas*
- *Believe in a locally driven ocean economy that does not put our waters at risk*

**Point # 1: This Bill should not be passed because it goes well beyond what the Aquaculture Review Board (ARB) asked for.**  
*needs*

So much so, it sacrifices consistency for expediency. How can multiple Panels with different Chairpersons be expected to interpret the Regulations and conduct Hearings in a consistent fashion? There has only been one ARB Hearing held to date and it went smoothly. The justification to change the composition and authorities of the Board so significantly appears to be coming entirely from industry.

I respect that industry has been waiting years for these hearings. They want to get on with them and have lobbied Government to make that happen. While they wait, however, many finfish sites are already operating outside of their approved leases. Recent imagery confirming this statement is included at the end of this submission. These finfish aquaculture sites are operating in contravention of the Fisheries and Coastal Resources Act and the Aquaculture Licence and Lease Regulations. These laws and regulations are already being broken with the knowledge and permission of Government. Therefore, in many cases, industry is not being adversely affected and there is no need for the ridiculous degree of expediency facilitated by the Bill. Taken to extreme, up to ten Hearings could be conducted simultaneously! A law that is written as loosely as this, should NOT be enacted.

It would, however, be much more appropriate to word the Bill so that it addresses the ARB *needs* ~~concerns~~ rather than those of industry. **You should provide the ARB with the human resources necessary to deliver reasonably scheduled, consistent Hearings, populated with Board Members as appropriate to the application being heard.**

**Point # 2: This Bill should not be passed because as introduced, the Bill clearly favours industry.**

The Minister's comments at Second Reading focused on the economic benefits provided by industry. There was no mention of the industry's negative effects on local communities, existing fisheries and the environment. The Minister for Economic Development stated that failure to pass this Bill would "kneecap" this significant investment in our Province. No mention on her part of any other potentially negative impacts associated with such a significant investment. Minister Craig's press release statement

that he already has people in mind for these additional ARB positions after only 50 days in the job is unsettling as well. He has yet to meet, as far as we know, with organizations representing local and environmental concerns. Therefore, the people he has in mind, could very well be those who were on his doorstep the day after he was appointed as Minister. The bottom line to all this – advantage clearly appears to go to industry.

**Point # 3: This Bill should not be passed because it further restricts the ability of local communities to become parties to the ARB Hearing.**

By that we mean obtaining and exercising full participation rights and privileges as an Intervenor. I can personally speak with authority on this as I prepared and applied for Intervenor status on behalf of the Healthy Bays Network in the Rattling Beach Hearing coming up in November. That application was rejected by the ARB as we did not constitute a local voice and were obliquely referred to as “mere “busybodies”” in our rejection letter.

If you don’t know what an Intervenor does as a party to the ARB process, or if you have never applied to become an Intervenor at an ARB hearing, we strongly urge you to become familiar with the application process and the conduct of an ARB hearing BEFORE you consider approving this Bill for Third Reading. Details may be found at the ARB website at: <https://arb.novascotia.ca/rules-procedure-and-policies> This is relevant because the way the Hearing is structured, it demands significant research, administrative and legal assistance to prepare and execute the Intervenor function effectively. In most cases, these demands are well beyond the financial and time constraints of local groups. They turn to organizations such as Ecojustice, East Coast Environmental Law or the Ecology Action Centre for help.

The Minister has clearly stated his support for multiple Hearings to clear the backlog of applications. Doing so would quickly overwhelm the limited options and resources available to help local communities qualify for and execute the role of Intervenor. **In effect, this Bill will effectively constrain local voices from becoming meaningful participants in the ARB process.** Multiple Hearings conducted simultaneously or shortly after one another will clearly be of advantage to industry.

**Conclusion**

In conclusion, as written, this Bill is pro-industry and downplays, or worse, handcuffs local community efforts to fully participate in the ARB Hearings. We are optimistic that if you are, or become more knowledgeable about the ARB process, then you will also conclude that this Bill should NOT be passed as written. What is needed is a Bill that delivers what the ARB ~~has requested~~ <sup>needs</sup> – nothing more, nothing less.

Thank you.

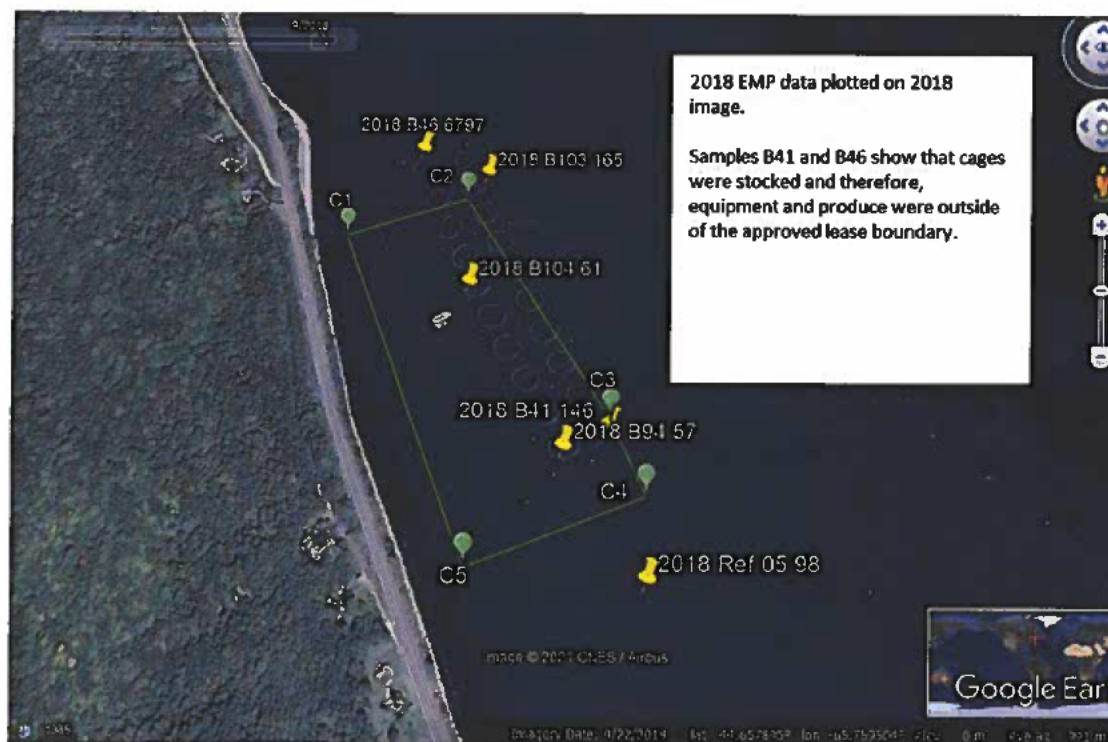
Derek Purcell

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Pleasantville, N.S. ~~XXXXXXXXXX~~  
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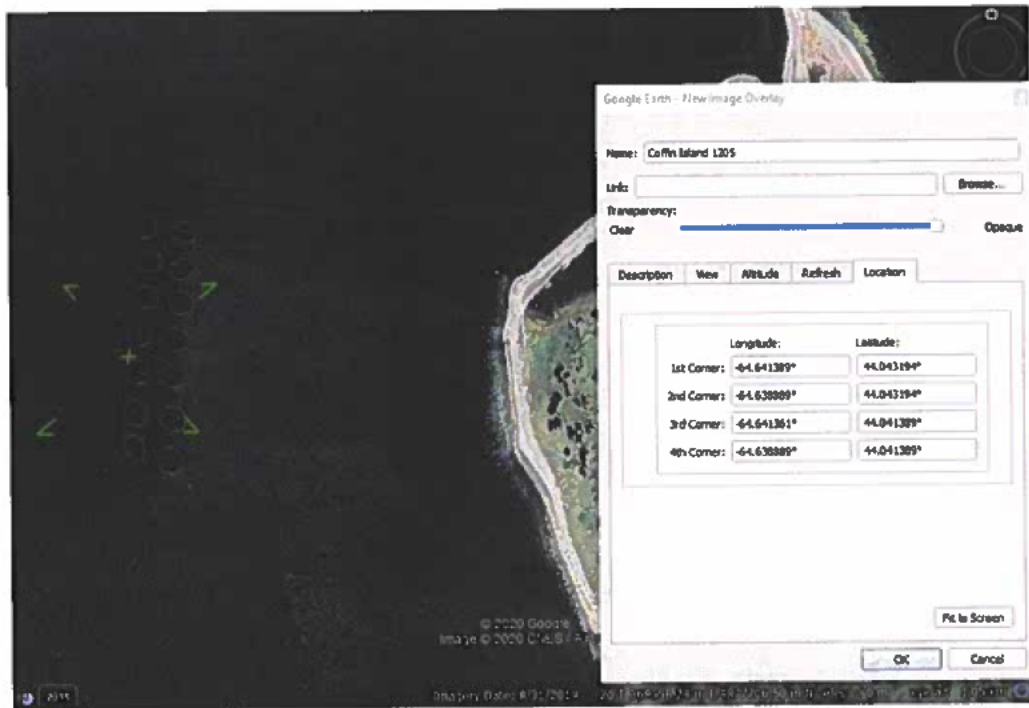
Twin Bays Coalition: <https://www.twinbays.ca/>

Google Earth Imagery – the circles are the outline of the net pens and the green lines or triangles mark the extent of the approved lease boundaries.

### Approved Lease Boundaries – Site AQ# 1039 Rattling Beach



Approved Lease Boundaries – Site AQ# 1205 Coffin Island



Approved Lease Boundaries – Site AQ# 1006 Aspotogan Harbour

