

NSARB 2021-001

NOVA SCOTIA AQUACULTURE REVIEW BOARD


Application by Kelly Cove Salmon Ltd. for a boundary amendment to marine finfish licence and lease AQ#1039 in the Annapolis Basin, Digby County

Affidavit of Jonathan W. Carr

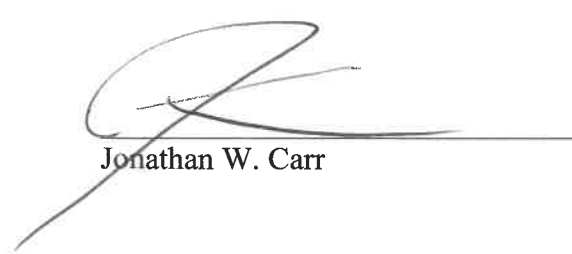
I, Jonathan Weldon Carr, of the Town of St. Andrews, in the Province of New Brunswick, affirm as follows:

1. I have been asked to review and provide an expert opinion regarding impacts on wild Atlantic salmon that may result from the approval of the application by Kelly Cove Salmon Ltd. for a boundary amendment to marine finfish licence and lease AQ#1039 in the Annapolis Basin, Digby County (the “**Application**”) on behalf of the intervenor, Gregory Heming.
2. Following receipt of the evidence of the proponent and the Department of Fisheries and Aquaculture, myself and Dr. Stephen Sutton have co-authored a supplementary report (the “**Supplementary Report**”), attached hereto as **Exhibit “A”**.
3. The Supplementary Report attached to this affidavit as Exhibit “A” represents my professional opinion with respect to possible impacts on wild Atlantic salmon resulting from the Application.
4. I affirm this affidavit in support of the Report and in support of Mr. Gregory Heming’s intervention before the Aquaculture Review Board and for no other or improper purpose.

Affirmed before me on this
3rd day of May, 2021
 at St. Andrews, New Brunswick



 A Commissioner of Oaths in and for the
 Province of New Brunswick
 being a Solicitor
 David R. Ames



 Jonathan W. Carr

Supplementary Report for the Aquaculture Review Board

Respecting an application by Kelly Cove Salmon
Ltd. for a boundary amendment to marine
finfish licence and lease AQ#1039 in the
Annapolis Basin, Digby County

Jonathan Carr, M. Sc.

Stephen Sutton, Ph. D.

"This is Exhibit *A* to the affidavit of
Jonathan W. Carr sworn to before me
this *3rd* day of *May* 2021 "

Jonathan W. Carr
Com. J. Oakes

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Scope of the Report

We have been asked by intervenor Gregory Heming to review and provide an expert opinion regarding impacts on wild Atlantic salmon resulting from the application by Kelly Cove Salmon Ltd. for a boundary amendment to marine finfish licence and lease AQ#1039 in the Annapolis Basin, Digby County. For the purposes of this supplementary report, we have reviewed the evidence filed by the proponent and the Department of Fisheries and Aquaculture.

In this supplementary report, we limit our opinion to addressing new information arising from the evidence filed which was not contained in the application package.

Affidavit of Nathaniel Feindel

We have reviewed the Affidavit of Nathaniel Feindel, Manager of Aquaculture Development and Marine Plan Harvesting in the Nova Scotia Department of Fisheries and Aquaculture. Mr. Feindel concludes that “there is little to no evidence to suggest that the location has interfered with, or facilitated extensive contact with, wild salmon” (par. 110) and “the boundary amendment does not pose an unacceptable level of risk to the sustainability of wild salmon” (par. 112).

Mr. Feindel provides no information to indicate what (if any) data have been collected to understand the extent to which the farm has interfered with or facilitated extensive contact with salmon. Thus, we can not determine whether there is no evidence because robust and valid scientific studies have failed to find such evidence, or if there is there no evidence because such studies have not been conducted. We can not definitively answer this question, but if reliable and valid data exist, they should be cited and made available for public scrutiny.

Mr. Feindel relies on the existence of the Aquaculture Management Regulations and Containment Management Plan to reach the conclusion that the amendment does not pose an unacceptable risk to wild salmon. As we discussed in our previous submission, significant impacts on wild salmon from salmonid aquaculture have been documented across the range of wild salmon despite the existence of extensive regulatory regimes (p. 6). No evidence has been presented by Mr. Feindel demonstrating the effectiveness of the regulations he cites. We note that the farm has been operating in its current configuration for 18 years under a regulatory framework with various reporting requirements. Thus, data should be available that would speak to the risk posed to wild salmon (e.g., number of escapes, sea lice counts, lice treatment frequency, presence of diseases and disease outbreaks). We see no evidence that Mr. Feindel has consulted these data and used them to form his conclusions.

In summary, Mr. Feindel has provided insufficient evidence to support the conclusion that the farm has not impacted wild salmon and that the boundary amendment does not pose an unacceptable risk. In the absence of empirical data, the conclusions reached by Mr. Feindel can not be validated.

Affidavit of Dr. Anthony Snyder

We have reviewed the Affidavit of Dr. Anthony Snyder, Aquatic Animal Health Veterinarian with the Nova Scotia Department of Fisheries and Aquaculture. Dr. Snyder outlines the Certificate of Health for Transfer Program, Health Surveillance Monitoring, and Sea Lice management program in the context of the sustainability of wild salmon. These are relevant for assessing the impacts of the farm on wild salmon. Dr. Snyder presents no empirical data and makes no conclusions about the effectiveness of

these programs for protecting wild salmon either generally or for site AQ#1039 specifically. As we discussed in our previous submission, significant impacts on wild salmon from salmonid aquaculture have been documented across the range of wild salmon despite the existence of such regulatory regimes P. 6). Without empirical data, it is not possible to determine whether these programs have been effective at protecting wild salmon or whether they will mitigate impacts going forward.