



April 20, 2009

Lisa Miller-Dodd
Aquaculture Policy and Planning Coordinator
Great Lakes Branch
Ministry of Natural Resources
300 Water Street
Peterborough, Ontario
K9J 8M5

RE: Coordinated Application, Review and Decision Guidelines for Cage Aquaculture Sites in Ontario under the *Fish and Wildlife Conservation Act* (FWCA) and Regulations (EBR #010-0081)

Dear Ms. Miller-Dodd,

Thank you for the opportunity to comment on the Province's proposed guidelines and Decision Support Tool to coordinate the federal/provincial information requirements and approval processes associated with cage aquaculture licence and site applications in Ontario, which were posted for public comment on the Environmental Registry (EBR #010-0081).

Conservation Ontario represents Ontario's 36 Conservation Authorities (CAs). The following comments are submitted for your consideration based upon a review of the draft guidelines by staff from Credit Valley Conservation and Conservation Ontario.

General: The Regulatory Role of CAs

Through regulations made under Section 28 of the *Conservation Authorities Act* (CA Act), CAs are empowered to regulate development and activities in or adjacent to river or stream valleys, Great Lakes and large inland lakes shorelines, watercourses, hazardous lands (i.e. areas unsafe for development because of naturally occurring processes such as dynamic beaches or unstable soils such as marine clay), and wetlands. Development taking place on these lands may require permission from the local CA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. The definition of development includes, but is not limited to, the temporary placing, dumping or removal of any material, originating elsewhere or on the site. CAs also regulate the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or for changing or interfering in any way with a wetland.

Application and Review Process

Text should be included within the guide to reflect that, within watersheds where a CA exists, the local CA should be consulted early in Stage 1 of the application process to advise the applicant as to whether CA approval of the site is required.

1.1 - Application Form and General Information

Where a CA exists, site approval or documentation from the CA stating their approval is not needed should be required as part of a complete application. We suggest a subsection be added to reflect this.

1.3.1 - Location

We suggest that the site location information the applicant must provide also include identification of the CA that manages the watershed the site is located within, and whether a permit from the CA is required.

1.6.2 - Formation of Inter-Jurisdictional Review Committee and Circulation of Initial Application

As CA approvals may be required for a cage aquaculture site, CA staff should be invited to participate on the inter-jurisdictional review committee, and should be consulted during the approval process.

Appendix A - Agency Contact Information

Under “Conservation Authorities”, the guide states that “*MNR District Offices can advise on appropriate contact information for CAs.*” Contact information for all CAs can also be found on Conservation Ontario’s website at <http://www.conservation-ontario.on.ca/>, or by calling Conservation Ontario’s office at (905) 895-0716. Conservation Ontario’s website also contains maps to assist proponents or other interested parties identify which CA to contact, based on the watershed the site is located within.

Appendix B - Roles and Responsibilities of Regulatory Agencies

Appendix B of the draft guide states that the CA regulatory role related to aquaculture site approval typically only affects land based aquaculture operations. However, the CA regulatory role extends beyond land based aquaculture operations and this should be reflected in the description of the roles and responsibilities of CAs as a regulatory agency found in the document. Appendix B should be revised to reflect the information stated above under the heading “General: The Regulatory Role of CAs”.

Appendix D - Summary of Criteria that will Result in Application Refusal (No-Go Criteria)

An aquaculture project could not proceed should the local CA decline the site approval under their regulations. We suggest this scenario be included in Appendix D so that applicants are fully aware of the implications of the refusal of a CA permit before they incur great expense.

As an additional comment, regarding Section 1.3.3 (Biological Information), there is a concern with using the Order level of identification, as some changes in the benthic community composition may not be detected at such a coarse level. It is suggested that a finer level of identification, such as the Family-level, would better detect shifts in indices such as taxon richness and Simpson’s Diversity.

Once again, thank you for the opportunity to provide comments on the Province's draft aquaculture license application and review process for cage aquaculture sites. If you have any questions regarding the above comments please contact myself at (905) 895-0716 ext. 223, or Natasha Leahy at ext. 228.

Sincerely,

A handwritten signature in cursive script that reads "Bonnie Fox".

Bonnie Fox
Policy and Planning Specialist

c.c. All Conservation Authorities General Managers/CAOs
Rob Messervey, Manager, Water Resources Section, Ministry of Natural Resources