

Overview of Aquaculture Licensing & Leasing Process in Nova Scotia

Introduction

The Nova Scotia Department of Fisheries and Aquaculture issues licences and leases for the commercial culture of finfish, shellfish and marine plants in the province.

All aquaculture sites require a license to operate and those located in the ocean also require a provincial lease for the use of that space. Land based operations on private property require a license to operate from the Nova Scotia Department of Fisheries and Aquaculture and proof that the applicant has permission to occupy the private land for the purpose of aquaculture.

The process below describes the steps a business must take to submit and acquire an aquaculture licence and lease in the marine environment.

Pre-Application

Potential applicants can approach our Coastal Resource Coordinators who represent our department throughout the province. Application forms, mandatory development plans and other information can be acquired from the Coastal Resource Coordinators or by contacting staff of the department's Aquaculture Division in our Halifax office.

The more investigative work a potential applicant does at the pre-application stage the more likely the application will go smoothly when it is actually submitted. There are many resources available that can help identify site locations that give operators the best chance for financial success while respecting the environment and maintaining public acceptance.

Applicants that don't do a good job at this stage risk having the flaws in their plan identified for them by the regulators of federal and provincial agencies involved in the aquaculture application process. Flaws or deficiencies revealed after the submission of the application can prolong the process by many months.

Submitting an Application

Applications can be submitted to our department's Coastal Resource Coordinators or by sending it directly to Aquaculture Division staff in our Halifax office. A complete application includes an application form, a development plan, environmental baseline/background details and the appropriate fees.

Administrators within our Aquaculture Division review the application for completeness. If all elements are not submitted, or if they are incomplete, the application will be held up at this stage until the applicant provides the required information.

The department requires multiple hardcopies of the completed application package as several individuals within the department and staff in other agencies must review the application as it proceeds through the process.

Each application receives a file number and applicants are mailed a letter from our department confirming the receipt of the application. This correspondence provides further information about the steps in the process and the expected timelines.

Technical Review and Networking

Development biologists and veterinarians within our department's Aquaculture Division undertake a technical review of the application. This technical review remains ongoing through the entire application process, but initially the team looks to make sure the application has addressed the elements of the development plan in a comprehensive manner. They also consider whether or not there is an obvious reason that would prevent the application from proceeding at all.

If the application proceeds then the Aquaculture Division's GIS and Licensing Officer creates the necessary digital maps and works with the applicant to ensure that the appropriate sketches have been prepared. These sketches describe the gear/infrastructure that the applicant proposes to place in the ocean.

The GIS and Licensing Officer then forwards the application package, sketches and maps to our department's network of federal and provincial agencies. These agencies are the ones that the department wants to hear from before it makes a decision or those that have their own requirements to issue a separate permit or authorization.

We network to the following federal agencies:

Transport Canada (Navigable Waters Protection Program)
Fisheries and Oceans Canada
Environment Canada
Canadian Food Inspection Agency

We network to the following provincial agencies:

Nova Scotia Department of Natural Resources
Nova Scotia Department of the Environment
Nova Scotia Department of Agriculture
Service Nova Scotia and Municipal Relations
Office of Aboriginal Affairs

Baseline Information

Both our department and Fisheries and Oceans Canada require baseline information about the site in the form of underwater video, current meter analysis and sediment analysis. The applicant is required to collect all required information and provide the analysis of this information to both departments.

Navigable Waters Protection Program Authorization

Any project that proposes to install gear or infrastructure of any kind in the water column such as finfish cages, suspended mussel lines, or floating oyster bags requires authorization from the Navigable Waters Protection Program of Transport Canada.

Staff at the Navigable Waters Protection Program office review the maps and sketches provided by the applicant through our department's Aquaculture Division. The Navigable Waters Protection Program personnel conduct an investigation around how the proposed gear/infrastructure might affect fishing activities or commercial and residential navigation.

If, after conducting a thorough review, the Navigable Waters Protection Program sees no major reasons why an authorization should not be granted they initiate a Canadian Environmental Assessment Act review prior to granting their authorization.

At this time the Navigable Waters Protection Program also requires that the applicant take out advertisements about their plans so the public may have the opportunity to write in or call with their concerns.

A Canadian Environmental Assessment Act Review is conducted on behalf of the Navigational Waters Protection Program, in most cases, by the Environmental Affairs branch of Transport Canada.

The Environmental Affairs branch of Transport Canada requires that all federal agencies with a regulatory responsibility involving the environment provide input to the Canadian Environmental Assessment Act review. This review includes a public comment period during which the background material is made available and citizens have an opportunity to express their views on how the project may affect the environment.

Public Engagement

The Nova Scotia Department of Fisheries and Aquaculture conducts community engagement pertaining to the application. This takes place at about the time when the Canadian Environmental Assessment Act review begins. In this way the community has the opportunity to provide their comments directly to our department. The other agencies reviewing the application also benefit from our department's community engagement process.

Our department's community engagement takes the form of a public meeting held in the local area. A representative from the Aquaculture Division facilitates the meeting and the applicant describes their plans. These open meetings are advertised well in advance and attendees from the community have ample opportunity to talk to department staff, the applicant and representatives from other agencies who participate.

Staff members from our department's Aquaculture Division also work with the Nova Scotia's Office of Aboriginal Affairs to determine if an application for a new aquaculture operation could potentially affect First Nations treaty rights. If this is the case, then an official invitation to consult is sent from the Nova Scotia Department of Fisheries and Aquaculture to the First Nations communities of the province in order to fulfill our province's duty to consult.

Regulator Working Group Meetings

Throughout the entire application process, staff from our department's Aquaculture Division oversees a committee of key federal/provincial regulators that generally meet bi-monthly to review progress of each file.

Applicants are welcome to attend the portion of these meetings that focus on their particular files so they can find out where they are in the process, provide additional information if required or to question regulators.

Recommendation

When the following steps have been completed staff of our department's Aquaculture Division provide recommendations to the Minister for a rejection or approval of the application.

- Completed Canadian Environmental Assessment Act Review (including First Nations Consultations)
- Final decision on Authorization by Transport Canada – Navigable Waters Protection Program
- Completion of community engagement by the Nova Scotia Department of Fisheries and Aquaculture
- Input received from all relevant federal and provincial network agencies
- Completed technical review by the Nova Scotia Department of Fisheries and Aquaculture

The Minister of the Nova Scotia Department of Fisheries and Aquaculture makes the decision to approve or reject the application. Should the application receive approval, the Minister may impose certain conditions of license.

Overall timeline

Our department estimates that for an application involving suspended or floating gear/infrastructure in the marine environment, it will take approximately six months to complete the elements of the application process within our control.

Due to the involvement of other federal and provincial agencies the process may be completed within this six months or take up to three years depending on the complications that arise.

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