

Findings and Decision- Renewal Application of Kelly Cove Salmon Limited for AQ#0602

1. Overview:

On April 27, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Kelly Cove Salmon Limited to renew Aquaculture Licence and Lease #0602 (AQ#0602), as described below:

Table 1. Description of Aquaculture Licence and Lease #0602

Details of Renewal Application:

Type: Marine Finfish	Size: 20.52 HA
Number: AQ#0602	Cultivation Method: Suspended Cage Cultivation
Applicant: Kelly Cove Salmon Limited	Species: Atlantic salmon, Rainbow trout,
Location: Shelburne Harbour, Shelburne County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0602 was issued to Archer & Maureen Harris on December 19, 1991 for a ten year term from December 23, 1991 to December 22, 2001. AQ#0602 was amended on October 29, 1992 to change the name of the operator from Archer & Maureen Harris to A.M. Harris Salmon Farm Limited. On June 2, 1995 AQ#0602 amended to expand the existing site from 3.6HA to 6.2HA to allow for the deployment and mooring of an ice boom. AQ#0602 was renewed on November 19, 2001 for a five year term (December 23, 2001 to December 23, 2006). AQ#0602 was assigned on March 7, 2006 from A & M Harris Salmon Farm Limited to Kelly Cove Salmon Limited. AQ#0602 was renewed on February 5, 2007 for a five year term (December 23, 2006 to December 22, 2011). AQ#0602 was amended on December 2, 2008 to authorize the cultivation of Rainbow trout. AQ#0602 was amended on March 9, 2011 to change the geographic area and location of the site. AQ#0602 was renewed on May 17, 2012 for a five year term (December 23, 2011 to December 22, 2016).

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their renewal application was completed. This review recommended that the site be renewed based on the technical and biological assessment. This performance review is required pursuant to Subsection 72(c) of the Aquaculture Licence and Lease Regulations, and was completed on May 27, 2016.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0602 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of July 21, 2016 to August 19, 2016. Notice of the application was also published in the Royal Gazette Part I on July 21, 2016, July 28, 2016, August 4, 2016 and August 11, 2016.

3.3 Submissions

Submissions were received from 18 individuals during the 30-day public comment period.

4. Factors to be considered

Review of the file indicates that the site had consistent production prior to the boundary amendment in 2011. AQ#0602 has not had production since 2011; however, the renewal information submitted indicates future production for this site is planned, thus resulting in rural employment. Should the operator not operate the site as indicated in the renewal plan, the Department's site utilization review procedures will be triggered. The renewal plan indicates contribution to the economy through supporting supplies and services.

The performance review noted the presence of other fishery activities in the area of the site. There were no specific ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. Concerns were raised during the public comment period regarding shellfish harvesting closures. There is no evidence that these closures are a result of marine finfish aquaculture activities. Kelly Cove Salmon Limited is required to adhere to all Environmental monitoring provisions of the Aquaculture Management regulations, including the need to maintain sufficient oxyc conditions.

Baseline environmental information was submitted as part of the 2011 boundary amendment process. Prior to stocking of AQ#0602, Kelly Cove Salmon Limited will be required to submit a stocking application to NSDFA. Should additional environmental information be required as part of the stocking application process, the operator will be required to submit this information. A final determination on the level of stocking will be made based on the baseline information.

AQ#0602 is one of three marine finfish aquaculture sites issued in inner Shelburne Harbour. AQ#1192 is issued to Kelly Cove Salmon Limited and is located approximately 800 metres from AQ#0602. AQ#0983 is issued to Ocean Trout Farms Inc. and is located approximately 1.5 km from AQ#0602. AQ#0602 is located approximately 170 meters from the shoreline of Sandy Point at its nearest point along the eastern boundary of the site. There are instances of complaints on file pertaining to noise and derelict gear. Kelly Cove Salmon Limited is required to adhere to all elements of the *Aquaculture Management* regulations. Specifically, section 14 of the *Aquaculture Management Regulations* requires the operator to address issues of noise and derelict gear in their Farm Management Plan, which must be in place on or before October 26, 2016.

The Farm Operations section of the Farm Management Plan for AQ#0602 will require the operator to indicate how they will operate AQ#0602 in accordance with industry best practices with respect to items such as interactions with wildlife, noise, maintaining the site in good order, the removal of decommissioned farm supplies and equipment, and the retrieval of derelict gear or debris. The regulations also outline criteria for containment management. There is no information on file regarding ecological concerns involving species listed through the *Species at Risk Act (SARA)*, including wild Atlantic salmon.

The *Aquaculture Management* regulations include regulatory compliance points with regards to aquatic animal health management. The operator is required to have comprehensive aquatic animal health procedures in place as part of the Farm Management Plan and is also required to adhere to the reporting and notification provisions regarding aquatic animal health management. The Farm Management Plan must include elements relating to finfish husbandry and welfare, veterinary care and disease surveillance practices, biosecurity measures, and emergency measures.

Section 55 of the *Licence and Lease Regulations* requires an aquaculture licence holder to mark each of their sites in a manner determined by the Minister and keep each site marked during the term of their licence. Also, it is a requirement for the equipment and aquacultural produce to remain within the geographic boundaries of that site. The operator will be required to adhere to prescribed measures for ensuring the site is within the approved boundaries. AQ#0602 is sufficiently separated from the shoreline and other aquaculture sites. As such, proper site marking and maintaining gear within the approved boundaries will not impose infringements on public navigation.

5. Decision

Based on the considerations above, Aquaculture Licence #0602 shall be renewed for a period of 10 years (December 23, 2016 to December 23, 2026) and Aquaculture Lease #0602 shall be renewed for a period of 20 years (December 23, 2016 to December 23, 2036).

The Licence and Lease documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publically available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

6. Conditions

In addition, the following condition shall apply:

The operator shall adhere to the following site marking requirements:

- a) mark all corners of the leased site with cautionary yellow buoys of a minimum of 60 cm in diameter;

- b) mark all corners of the leased bottom with a cement block or similar device of a weight sufficient to ensure the cement block or device remains in place at all times; and
- c) display the licence or lease number at 1 corner of the licensed or leased area.

Brennan Goreham

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

10/3/16

Date