

## **Findings and Decision- Renewal Application of Ocean Trout Farms Inc. for AQ#0983**

### **1. Overview:**

On January 27, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Ocean Trout Farms Inc. to renew Aquaculture Licence #0983 (AQ#0983), as described below:

Table 1. Description of Aquaculture Licence and Lease #0983

<b>Type:</b> Marine Finfish	<b>Size:</b> 8.20 HA
<b>Number:</b> AQ#0983	<b>Cultivation Method:</b> Marine cage cultivation
<b>Applicant:</b> Ocean Trout Farms Inc.	<b>Species:</b> Atlantic salmon, Rainbow trout
<b>Location:</b> Shelburne Harbour, Shelburne County	<b>Proposed Term:</b> 10 year Licence

### **2. History**

AQ#0983 was first issued to Shelburne Salmon Farms Ltd. on May 23, 1996 for a ten year term from May 23, 1996 to May 23, 2006. AQ#0983 was renewed on June 12, 2006 for a five year term (April 21, 2006 to April 21, 2011). The boundaries of AQ#0983 were amended on March 9, 2011. AQ#0983 was renewed on June 20, 2011 for a five year term (April 21, 2011 to April 20, 2016). AQ#0983 was assigned to Kelly Cove Salmon Ltd. on May 17, 2012.

### **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 April 26, 2016.

#### **3.2 Public Comment Period**

Notice of the application for the renewal of AQ#0983 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of April 28, 2016 to May 27, 2016. Notice of the application was also published in the Royal Gazette Part I on April 27, 2016, May 4, 2016, May 11, 2016, and May 18, 2016.

Zero submissions were received by NSDFA during the 30-day public comment period.

### **4. Factors to be considered**

Review of the file indicates that over the past tenure of the site, there has been consistent production and records indicate continuous employment. The renewal plan indicates continued production is planned for this site and therefore resulting employment. Ocean Trout also operates a processing facility in Shelburne County, and is an affiliated company of St. Peter's Fish Hatchery Ltd. Should the operator not operate the site as indicated, 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 fisheries in the area of the site. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. In the winter of 2015, AQ#0983 suffered loss of product due to extreme weather conditions. The operator is actively participating in efforts to mitigate any future losses due to events of this nature. Environmental Monitoring Program results for 2014 and 2015 resulted in a Hypoxic A classification for AQ#0983. The operator submitted, and is currently implementing, approved mitigation strategies to maintain oxic conditions.

AQ#0983 is one of two marine finfish aquaculture sites located within the inner Shelburne Harbour. As this area is a federal harbour, NSDFA only issues a licence for aquaculture purposes. The operator holds a corresponding lease from Transport Canada (TC) authorizing the use of the space for the aquaculture operation. The western boundary of AQ#0983 is located approximately 200 metres from the shoreline (Hartz Point), and the eastern boundary is located approximately 900 metres from the shoreline (Sandy Point). Aquaculture site #0983 is located approximately 400 metres from the nearest marine aquaculture site (AQ#1192 – Kelly Cove Salmon Ltd.). As such, the Minister of Fisheries and Aquaculture may use his discretion to establish an aquaculture management area, as per Section 16 of the *Aquaculture Management Regulations*. There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area.

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. There are several instances on file of containment management concerns relating to AQ#0983. Specifically, in 2016, significant quantities of Rainbow trout were found within Shelburne Harbour. These occurrences were investigated by Fisheries Inspectors. At the time of this decision, the 2016 investigation on this matter is on-going. However, Ocean Trout Farms Ltd. is required to adhere to all elements of the recently implemented *Aquaculture Management* regulations which include criteria for containment management. Also, Ocean Trout will be required to adhere to the Department's aquaculture finfish tracing requirements, which are currently being developed.

Although also licensed for Atlantic salmon cultivation, Ocean Trout has not indicated an intention to cultivate Atlantic salmon.

## **5. Decision**

Based on the considerations above, Aquaculture Licence #0983 shall be renewed for a period of 10 years (April 21, 2016 to April 21, 2026). The Licence 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*.

In addition, the following condition shall apply.

**6. Condition(s)**

Ocean Trout Farms Inc. 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*

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**Brennan Goreham**  
**Aquaculture Administrator**  
**Nova Scotia Department of Fisheries and Aquaculture**

*7/13/16*  
**Date**