

Findings and Decision- Renewal Application of Kelly Cove Salmon Ltd. for AQ#1006

1. Overview:

On August 24, 2015, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Kelly Cove Salmon Ltd. to renew Aquaculture Licence and Lease #1006 (AQ#1006), as described below:

Table 1. Description of Aquaculture Licence and Lease #1006

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| Type: Marine Finfish, Marine Shellfish, Marine Plants | Size: 7.61 HA |
| Number: AQ#1006 | Cultivation Method: Suspended Cage Cultivation |
| Applicant: Kelly Cove Salmon Ltd. | Species: Atlantic salmon, Rainbow trout, Atlantic halibut, Atlantic cod, Blue mussels, Dulse, Kelp |
| Location: Aspotogan Harbour, Lunenburg County | Proposed Term: 10 year Licence/20 year Lease |

2. History

Licence and Lease AQ#1006 was first issued to Saddle Island Fisheries Ltd. on September 13th, 1995 for a ten year term (September 13, 1995 to September 13, 2005). AQ#1006 was amended on February 21, 1997 to expand the site boundaries from 3.4 HA to 6.87 HA. AQ#1006 was assigned on November 4, 1999 from Saddle Island Fisheries Ltd. to Kelly Cove Salmon Ltd. AQ#1006 was amended on January 25, 2005 to add additional species (Atlantic Halibut and Atlantic Cod). AQ#1006 was renewed on October 5, 2005 for a five year term (September 13, 2005 to September 13, 2010), with an increase in size to 7.61 HA. AQ#1006 was amended on June 8, 2011 to add additional species (Blue mussels, Dulse, and Kelp). AQ#1006 was renewed on February 16, 2011 for a five year term (September 13, 2010 to September 12, 2015).

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 October 20, 2015.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1006 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of January 6, 2016 to February 4, 2016. Notice of the application was also published

in the Royal Gazette Part I on January 6, 2016, January 13, 2016, January 20, 2016, and January 27, 2016.

Two submissions were received by NSDFA during the 30-day public comment period. Neither submission raised concerns specific to the site under review.

4. Factors to be considered

Review of the file indicates the site has had consistent production and records indicate continuous employment. Renewal plan indicates continued production is planned for this site and therefore resulting employment. 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 a lobster fishery 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 the lobster industry. There is a limited amount of oceanographic data available for this site. The operator has submitted plans to collect additional data as part of their 2015 mitigation strategy resulting from Environmental Monitoring Program classification. Additional data collection will help further evaluate management strategies to maintain oxic conditions on the site. The additional data collected will be submitted to NSDFA for further review.

Bayswater Beach Provincial Park is approximately 1 km from the site. A review of the historical record of AQ#1006 does not indicate that AQ#1006 has had a negative impact on Bayswater beach. 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. Issues surrounding site boundaries were identified during the renewal process, and the operator will be required to adhere to prescribed measures for ensuring the site is within the approved boundaries. Aquaculture site #1006 is the only marine aquaculture site in the waters surrounding the Aspotogan peninsula.

Kelly Cove Salmon Ltd. is required to adhere to all elements of the *Aquaculture Management* regulations. Said regulations outline criteria for containment management. KCS will be required to implement a Farm Management Plan, to be approved by the Department, which will further define their measures to minimize potential impacts on wild salmon. There is no information on file regarding ecological concerns involving species listed through the *Species at Risk Act (SARA)*, including wild Atlantic salmon.

5. Decision

Based on the considerations above, Aquaculture Licence #1006 shall be renewed for a period of 10 years (September 13, 2015 to September 13, 2025) and Aquaculture Lease #1006 shall be renewed for a period of 20 years (September 13, 2015 to September 13, 2035). 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*.

Also, should the operator fail to avail themselves of the prescribed measures for ensuring site boundary compliance, the site boundaries as prescribed in the Licence and Lease document shall be enforced.

In addition, the following condition shall apply.

6. Condition(s)

Kelly Cove Salmon Ltd. 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
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4/29/16
Date