

Findings and Decision- Renewal Application of Kelly Cove Salmon Ltd. for AQ#1345

1. Overview:

On November 22, 2017, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Kelly Cove Salmon Ltd. to renew Aquaculture Licence and Lease #1345 (AQ#1345), as described below:

Table 1. Description of Aquaculture Licence and Lease #1345

Type: Marine Finfish	Size: 28.02 HA
Number: AQ#1345	Cultivation Method: Marine Cage
Applicant: Kelly Cove Salmon Ltd.	Species: Atlantic salmon
Location: McNutt's Island, Shelburne Harbour, Shelburne County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1345 was first issued on June 18, 2008 for a ten year term (June 16, 2008 to June 15, 2018).

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 January 9, 2018.

3.2 *Public Comment Period*

Notice of the application for the renewal of AQ#1345 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of February 8, 2018 to March 9, 2018. Notice of the application was also published in the Royal Gazette Part I on February 7, February 14, February 21 and February 28, 2018.

3.3 *Submissions*

Submissions from nine individuals 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 lease and licence that the site has had consistent production and records indicate continuous employment. The renewal development plan indicates continued production is planned for this site and therefore resulting employment. The renewal plan also indicates contribution to the economy through supporting supplies and

services. Should the operator not operate the site as indicated, the Department's site utilization review procedures will be triggered.

The performance review noted the presence of fishery activities in the area of the site. Despite concerns raised, there were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. KCS is required to adhere to all Environmental monitoring provisions of the *Aquaculture Management Regulations*, including the need to maintain sufficient oxidic conditions. On two occasions, the Environmental Monitoring Program (EMP) results have shown that AQ#1345 did not maintain oxidic conditions (2011 and 2014). In both instances, proper mitigation measures were undertaken with subsequent sampling indicating oxidic conditions had returned.

Over the past tenure of the site, proper measures were taken in response to fish health and containment management events. As part of the Farm Management Plan, the operator is required to have necessary procedures in place to address fish health and containment management matters. Specific to containment management, the Farm Management Plan would outline response actions related to infrastructure damage sustained from storm events.

KCS has completed a Farm Management Plan for approval by NSDFA, as required by the *Aquaculture Management Regulations*. The Farm Operations section of the Farm Management Plan for AQ#1345 will require the operator to indicate how they will operate AQ#1345 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 gear or debris that has broken loose.

AQ#1345 is one of five marine finfish aquaculture sites issued to Kelly Cove Salmon Ltd. in Shelburne County, along with AQ#1192, AQ#0602, AQ#1358, and AQ#1359. AQ#1345 is located approximately 300 metres from the shoreline of McNutt's Island, in the outer portion of Shelburne Harbour. Aquaculture site #1345 is located approximately 6.50 km from the nearest marine aquaculture site (AQ#1358). There is adequate separation between AQ#1345, the shoreline, and other aquaculture sites to allow for navigation.

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. AQ#1345 must also continue to hold approval from Transport Canada as it relates to navigable waters.

Kelly Cove Salmon Ltd. is required to adhere to all elements of the *Aquaculture Management Regulations*. Said regulations outline criteria for containment management. As part of the Farm Management Plan, KCS must define and adhere to their containment management 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 #1345 shall be renewed for a period of 10 years (June 15, 2018 to June 15, 2028) and Aquaculture Lease # 1345 shall be renewed for a period of 20 years (June 15, 2018 to June 15, 2038).

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

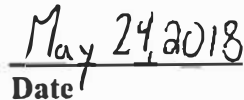
In addition, the following condition shall apply:

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
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture


Date