

Findings and Decision - Assignment Application of Kelly Cove Salmon Ltd. for AQ#0983

1. Overview:

On February 26, 2021, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Kelly Cove Salmon Ltd. to assign Aquaculture Licence #0983 (AQ#0983), as described below:

Table 1. Description of Aquaculture Licence #0983

Type: Marine	Location: Shelburne Harbour, Shelburne County
Number: AQ#0983	Size: 8.24 HA
Assignor: Ocean Trout Farms Inc.	Cultivation Method: Marine cage
Assignee: Kelly Cove Salmon Ltd.	Species: Atlantic salmon and Rainbow trout

2. History

AQ#0983 Licence and Lease was first issued to Shelburne Salmon Farms Ltd. on May 23, 1996 for a ten-year term (May 23, 1996 to May 23, 2006). The Licence and Lease were amended on March 9, 2011 to amend the geographic area and location of the existing site and to note that the Lease issued on June 12, 2006, has been replaced by the Lease issued by Transport Canada. The Licence was assigned from Kelly Cove Salmon Ltd. to Ocean Trout Farms Inc. on May 17, 2012. Most recently, the Licence issued to Ocean Trout Farms Inc. was renewed on August 15, 2016 for a ten-year term (April 21, 2016 to April 21, 2026).

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their assignment 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(d) of the Aquaculture Licence and Lease Regulations and was completed on May 17, 2021.

3.2 Public Comment Period

Notice of the application for assignment 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 March 25, 2021 to April 23, 2021. Notice of the application was also published in the Royal Gazette Part I on March 25, April 1, April 8, and April 15, 2021.

3.3 Submissions

Two submissions were received by NSDFA during the 30-day public comment period, both of which met the minimum requirements for consideration, and have been included in this decision document.

4. Factors to be considered

Review of the assignment application indicates that the proposed new operator, Kelly Cove Salmon Ltd. (KCS) intends to have appropriate levels of production and employment for AQ#0983. Information submitted in support of the assignment application indicates continued contributions to the local and provincial economy. Department staff will continue to monitor that production plans are implemented as submitted. KCS will be required to have an approved Farm Management Plan (FMP) prior to stocking, which will include specific details regarding environmental monitoring.

Feedback by public comment submissions indicated that there would be a positive impact on the local community of Shelburne in terms of economy and employment.

There are no known adverse economic impacts associated with the proposed assignment of this site to KCS. There are no known impacts between KCS' other Shelburne leases and other fisheries. The operator currently allows lobster fishermen to set traps within their lease boundary and harvesting has taken place without any adverse impacts. There are no changes to fisheries mitigation strategies that the company already applies for their other sites for the purpose of this assignment application. KCS follows standard best management practices for rearing fish in a marine environment. These practices have controls in place to mitigate potential environmental effects on fish and fish habitat. The site must also have a selection of additional mitigation strategies to apply if an environmental compliance threshold is exceeded.

AQ#0983 is located in the range of the Nova Scotia Southern Upland population of Atlantic salmon. The site is in Salmon Fishing Area (SFA) 21. The site is located approximately 58 km and 51 km from the mouth of the Mersey River and Tusket River, respectively, which are the nearest identified wild salmon rivers.

Site AQ#0983 is located within Federal waters and therefore the Nova Scotia Department of Fisheries and Aquaculture is not responsible for the issuance of a lease for this marine site. The proposed new operator will be required to maintain appropriate approvals in regard to a Federally issued lease.

AQ#0983 is located in Shelburne Harbour approximately 250-300 metres from the shoreline. The nearest Aquaculture site is another finfish site approximately 350-400 metres South of AQ#0983. There are a total of six finfish aquaculture sites in the Shelburne and adjacent harbours. There is no evidence to suggest that the existing aquaculture in this area has exceeded the carrying capacity of the harbour.

5. Decision

Based on the considerations above, Ocean Trout Farms Inc. right, title and interest in and to Aquaculture Licence #0983 is hereby assigned to Kelly Cove Salmon Ltd.

The assignment shall have an effective date of May 17, 2021. The approval documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publicly 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 of similar device of a weight sufficient to ensure the cement block or device remains in place at all times; and
- c) display the licence number on 1 corner of the licensed area

Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date