

## **Findings and Decision- Renewal Application of Open Ocean Systems Inc. for AO#0826**

### **1. Overview:**

On January 27, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Open Ocean Systems Inc. to renew Aquaculture Licence and Lease #0826 (AQ#0826), as described below:

Table 1. Description of Aquaculture Licence and Lease #0826

<b>Type:</b> Marine	<b>Size:</b> 4.2 HA
<b>Number:</b> AQ#0826	<b>Cultivation Method:</b> Marine cage
<b>Applicant:</b> Open Oceans Systems Inc.	<b>Species:</b> Atlantic salmon, Rainbow trout
<b>Location:</b> St. of Canso South, Guysborough County	<b>Proposed Term:</b> 10 year Licence/20 year Lease

### **2. History**

AQ#0826 was issued to Steven Grady on July 27, 1995 for a ten-year term from July 31st, 1995 to July 31st, 2005. The Licence and Lease was renewed on December 20, 2005 for a five-year term from July 31, 2005 to July 31, 2010. AQ#0826 was renewed on February 2, 2011 for a five-year term from July 21, 2010 to July 30, 2015. The Licence and Lease renewal was issued on October 22, 2015 for a five-year term from July 30, 2015 to July 30, 2020. AQ#0826 was assigned on June 3, 2016 from Steven Grady to Open Ocean Systems Inc.

### **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 August 11, 2020.

#### *3.2 Public Comment Period*

Notice of the application for the renewal of AQ#0826 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 9, 2020 to May 8, 2020. Notice of the application was also published in the Royal Gazette Part I on April 8, 15, 22, 29 and May 6, 2020.

#### *3.3 Submissions*

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

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

AQ#0826 was assigned from Steven W. Grady to Open Ocean Systems Inc. in June 2016. AQ#0826 has never been in production since first issuance. Should AQ#0826 come into production, there should be resulting. AQ#0826 is authorized to cultivate both Rainbow trout and Atlantic salmon. The intended use of the site upon renewal is for production of Rainbow trout. Any changes in the planned production would require review by the Department of Fisheries and Aquaculture. Should AQ#0826 not be operated as planned, the Department's site utilization review provisions will be implemented.

Prior to commencing production at the site, the operator will be required to submit a completed production plan for the review of the Department, all required stocking application information, as well as implement an approved Farm Management Plan. 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 damaged from storm events. It is a requirement of an approved Farm Management Plan for the operator to have strategies for responding to unusual events and severe weather. It is also required for operators to perform daily monitoring of oxygen and temperature and to implement appropriate mitigation measures when oxygen readings and temperature levels fall below prescribed levels. New technologies exist that were not previously in widespread use in Nova Scotia for trout farming that allow for real-time monitoring and tracking of oceanographic parameters.

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. Pesticide products must be used according to product labels and following all health and safety requirements and all Federal and Provincial regulations. Bath treatments on sites leased/licenced by the province of Nova Scotia must be conducted in completely enclosed containment. Enclosed containers would include such things as a hull of a boat or a net cage completely enclosed by a tarpaulin.

The Farm Operations section of the Farm Management Plan for AQ#0826 will require the operator to indicate how they will operate AQ#0826 in accordance with industry best practices with respect to items such as interactions with wildlife, noise, maintain the site in good order, the removal of decommissioned farm supplies and equipment, and the retrieval of gear or debris that has broken loose. Any complaints received by the Province of Nova Scotia specific to a particular aquaculture site are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

The operator of AQ#0826 will be required to adhere to all Environmental monitoring provisions of the *Aquaculture Management Regulations*, including the need to maintain sufficient oxigen conditions in the benthic environment. In events where Oxigen conditions are not maintained, the

operator is required to implement mitigation measures with subsequent sampling to ensure compliance. As AQ#0826 has never been in production, any eventual site stocking decisions will be made based upon baseline assessments. Information on the Environmental Monitoring Program, including descriptions of associated terms, can be found at: <https://novascotia.ca/fish/aquaculture/aquaculture-management/>.

The Province of Nova Scotia actively stocks Rainbow Trout throughout the Province; however, the stocked population are all female fish and there are no known wild male Rainbow trout populations in the area of AQ#0826. Furthermore, the marine cultivation of Rainbow Trout in Nova Scotia involves the stocking of all female individuals. As such, the potential for genetic interaction through breeding of farmed and wild Rainbow Trout does not pose a significant risk. AQ#0826 is located in Salmon Fishing Area (SFA) 20, approximately 30 km from an index river, Salmon River (Guysborough). It is a legislated requirement that the operator of AQ#0826 conform to the aquaculture management regulations specific to containment management. This is enforced through Farm Management Plans, which includes obtaining an engineer's approval for their infrastructure prior to stocking AQ#0826. In the event of an escape, the operator would be required to adhere to measures prescribed in the Farm Management Plan and in Regulation on escape reporting, auditing and mitigation. The Department is also in the process of implementing a salmonid traceability program, through which any escaped salmonids could be traced back to the operator of origin, to mitigate against such future events.

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 (see below) and keep each site marked during the term of their licence. Furthermore, AQ#0826 is required to maintain compliance with Transport Canada as it relates to Navigable Waters. Once operational, the operator of AQ#0826 is also required to maintain a security bond which can be drawn upon by the Department to perform clean-up activities should the operator fail to perform its obligations with respect to site maintenance. Furthermore, it will be a condition of licence that the operator must comply with any permits, protocols, approvals, licences or permissions which may be required under the laws of the relevant Municipality, the Province or Canada. The operator is also required to adhere to all relevant Government of Canada legislation and regulations that may pertain to conducting aquaculture in the marine environment.

AQ#0826 is located in the nearshore environment, approximately 90 metres from the shoreline at its nearest point. The closest marine aquaculture site to AQ#0826 is located in Arichat Harbour, approximately 16 kilometres away. There are no current site applications or granted options to lease in close proximity to AQ#0826. The geographic separation from other aquaculture operations suggests that AQ#0826 would not negatively impact other aquaculture operators.

## **5. Decision**

Based on the considerations above, Aquaculture Licence #0826 shall be renewed for a period of 10 years (July 31, 2020 to July 30, 2030) and Aquaculture Lease #0826 shall be renewed for a period of 20 years (July 31, 2020 to July 30, 2040).

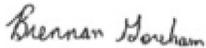
The Licence and Lease documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publicly available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

**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 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 licenses or leased area.



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

August 26, 2020

**Date**