

Findings and Decision- Renewal Application of Ocean Trout Farms Inc. for AQ#0955

1. Overview:

On February 19, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Ocean Trout Farms Inc. to renew Aquaculture Licence and Lease #0955 (AQ#0955), as described below:

Table 1. Description of Aquaculture Licence and Lease #0955

Type: Marine	Size: 4.28 HA
Number: AQ#0955	Cultivation Method: Marine cage cultivation
Applicant: Ocean Trout Farms Inc.	Species: Rainbow trout
Location: Pubnico Harbour, Yarmouth County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0955 was first issued to Jeffrey and Jayson d'Entremont in August 1995 for a 10-year term from August 7, 1995 to August 7, 2005. AQ#0955 was assigned on April 23, 2001 from Jeffrey and Jayson d'Entremont to Ocean Trout Farms Incorporated. AQ#0955 was renewed on June 29, 2005 for a five-year term August 7, 2005 to August 7, 2010. AQ#0955 was renewed on December 8, 2010 for a five-year term from August 7, 2010 to August 6, 2015. AQ#0955 was renewed on September 22, 2015 for a five year term from August 7, 2015 to August 7, 2020.

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#0955 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of June 4, 2020 to July 3, 2020. Notice of the application was also published in the Royal Gazette Part I on June 3, 10, 17, 24 and July 1, 2020.

3.3 Submissions

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

4. **Factors to be considered**

AQ#0955 did not have production over the duration of the most recent licence and lease tenure; however, AQ#0955 has the potential to form part of a multi-site farming operation in the future. Should AQ#0955 come into full production, there should be resulting employment and local and provincial economic benefits. Ocean Trout Farms Limited also operates a fish processing facility in Shelburne County, and an affiliated company (St. Peter's Fish Hatchery Limited) operates a hatchery site in Richmond County. Should AQ#0955 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#0955 will require the operator to indicate how they will operate AQ#0955 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 operators of AQ#0955 will be required to adhere to all Environmental monitoring provisions of the *Aquaculture Management Regulations*, including the need to maintain sufficient oxix conditions in the benthic environment. In events where Oxix conditions are not maintained, the

operator is required to implement mitigation measures with subsequent sampling to ensure compliance. Subsequent site stocking decisions will be made based upon the past environmental performance of the site. 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 in the Southern part of the Province nor naturally reproducing populations. 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. It is a legislated requirement that the operator of AQ#0955 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#0955. 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#0955 is required to maintain compliance with Transport Canada as it relates to Navigable Waters. The operator of AQ#0955 is also required to maintain a security bond for the site, 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#0955 is one of five marine finfish aquaculture sites issued to Ocean Trout Farms Inc. in the waters near the Municipality of Argyle. AQ#0955 is located approximately 4.00 km from the nearest aquaculture site, AQ#0770, which is also licensed to Ocean Trout Canada Inc. AQ#0955 is located within Pubnico Harbour, within approximately 450 metres of the shoreline of West Pubnico and approximately 600 metres of the shoreline of East Pubnico. AQ#0955 is co-located within an approved Provincial rockweed lease; however, appropriate provisions exist within Rockweed and Aquaculture approvals to allow for co-location. Due to the physical separation from other aquaculture sites, the shoreline, and other marine users, there is adequate separation between AQ#0955, the shoreline, and other aquaculture sites to allow for navigation.

5. Decision

Based on the considerations above, Aquaculture Licence #0955 shall be renewed for a period of 10 years (August 8, 2020 to August 7, 2030) and Aquaculture Lease #0955 shall be renewed for a period of 20 years (August 8, 2020 to August 7, 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.



Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

September 1, 2020

Date