

Findings and Decision - New Application of Eel Exports Inc. for AQ#1418

1. Overview:

On July 9, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Eel Exports Inc. for a new Aquaculture Licence #1418 (AQ#1418), as described below:

Table 1. Description of Aquaculture Licence and Lease #1418

Type: Land based	Location: Yarmouth, Yarmouth County
Number: AQ#1418	Species: American eel
Applicant: Eel Exports Inc.	Proposed Term: 10 year Licence

2. History

AQ#1418 is a new licence. The operator, Eel Exports Inc. has never held a licence with NSDFA

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(d) of the Aquaculture Licence and Lease Regulations and was completed on March 17, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1418 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of November 14, 2019 to December 13, 2019. Notice of the application was also published in the Royal Gazette Part I on November 20, 27, December 4 and 11, 2019.

3.3 Submissions

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

4. Factors to be considered

AQ#1418 is an application for the land-based cultivation of American eel for a facility located in the Hebron Industrial Park, Yarmouth County. The proposed scale of operation indicates that appropriate production and subsequent employment are expected. Should the operator not meet their proposed objectives, the Department's site utilization review process will be commenced.

As per the *Fisheries and Coastal Resources Act* and the *Aquaculture Licence and Lease Regulations*, decisions with respect to new land-based aquaculture operations are within the purview of the Administrator ("administrative process"). As such, new land-based aquaculture

applications are not required to be submitted to the Aquaculture Review Board for decision. The *Fisheries and Coastal Resources Act* defines aquaculture as:

'the farming for commercial purposes of aquatic plants and animals over which the Minister exercises control but does not include raising or breeding in tanks, nets, pens or cages of aquatic plants and animals as aquarium species, in laboratory experiments or by individuals on their own property as food for their own use'.

As such, the land-based cultivation of American eels meets the definition of aquaculture under the *Fisheries and Coastal Resources Act*. An aquaculture licence for American eel aquaculture issued pursuant to the *Fisheries and Coastal Resources Act* only grants an approval to conduct commercial farming of the identified species. The operators of AQ#1418, by condition of licence, will be required to comply with any permits, protocols, approvals, licenses or permissions which may be required under the laws of the relevant Municipality, the Province, or Canada. Eel Exports Inc. will be responsible for confirming any of the before-mentioned requirements and ensuring compliance with them. In particular, Eel Exports Inc. must adhere to the Fisheries and Oceans Canada *Aquaculture Activities Regulations* and the provincial and federal requirements relating to the acquisition and movement of live eels. Eel Exports Inc. must also adhere to all relevant environmental legislation and Municipal requirements with respect to the intake and outflow of water, as well as the storage of fuel and chemicals. Eel Exports Inc. must also ensure compliance with the *Special Places Protection Act* as it relates to archeological artifacts that may be uncovered through the course of construction. Furthermore, a Nova Scotia Department of Infrastructure Renewal's - *Work Within Highway Right-of-Way Permit* may be applicable should any structures require placement near public roads.

The technical information submitted with respect to the application suggest that appropriate equipment, infrastructure, and technology will be in place for the proposed method and sale of the operation. In addition, described operational elements are adequate for the proposed method and sale of the operation. Eel Exports Inc. will be required to develop and implement an approved Farm Management Plan (FMP), in accordance with the *Aquaculture Management Regulations*, prior to becoming operational. This Farm Management Plan will be reviewed by Department staff for approval. Additional information on the Minimum Compliance Points for Farm Management Plans can be found at: <https://novascotia.ca/fish/documents/compliance-documents/Minimum-compliance-requirements-Landbased.pdf>.

Consideration of all information submitted by the applicant, feedback from other government Departments and Agencies, and submissions from the public, the proposed operation of AQ#1418 demonstrates both financial and technical viability. Furthermore, the information reviewed suggests that the proposed operation will be in compliance with the Act, relevant regulations, policies and guidelines of the Department. The *Aquaculture Licence and Lease Regulations* allow for the Administrator to consider any other factor the Administrator considers relevant to the application. The requirement for Eel Exports Inc. to implement an approved Farm Management, the roles of other Government Departments and Agencies in issuing approvals for non-aquaculture elements of the operation were also considered. As such, based on these considerations, Aquaculture Licence Number 1418 (AQ#1418) shall be issued to

Eel Exports Inc.

5. Decision

Based on the considerations above, Aquaculture Licence #1418 shall be issued to Eel Exports Inc. for a period of 10 years (May 1, 2020 to May 1, 2030).

The Licence 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*.



April 3, 2020

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date