

Findings and Decision - Renewal Application of Ocean Trout Farms Inc. for AQ#0899

1. Overview:

On August 26, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Ocean Trout Farm Inc. to renew Aquaculture Licence and Lease #0899 (AQ#0899), as described below:

Table 1. Description of Aquaculture Licence and Lease #0899

Type: Marine Finfish	Size: 2.53 HA
Number: AQ#0899	Cultivation Method: Marine Cage Culture
Applicant: Ocean Trout Farms Inc.	Species: Rainbow trout
Location: Lobster Bay, Yarmouth County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0899 was first issued on February 22, 1995 for a ten-year term (February 27, 1995 to February 27, 2005). AQ#0899 was assigned on April 23, 2001 from Rejean d’Entremont to Ocean Trout Farms Inc. AQ#0899 was renewed on January 19, 2005 for a five-year term (February 27, 2005 to February 27, 2010). AQ#0899 was renewed on July 14, 2010 for a five-year term (February 27, 2010 to February 26, 2015). AQ#0899 was renewed on April 2, 2015 for a five-year term (February 27, 2015 to February 27, 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(d) of the Aquaculture Licence and Lease Regulations and was completed on March 3, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0899 for the 30-day public comment period was published on NSDFA’s website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of January 9 to February 7, 2020. Notice of the application was also published in the Royal Gazette Part I on January 8, 15, 22, 29, and February 5, 2020.

3.3 Submissions

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

4. Factors to be considered

As per the Fisheries and Coastal Resources Act and the Aquaculture Licence and Lease Regulations, renewals of existing aquaculture sites are within the purview of the Aquaculture Administrator. As such, the renewal application was not required to be submitted to the Aquaculture Review Board for decision. AQ#0899 has been used in recent years as a seasonal trout operation, with resultant production and employment. 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#0899 not be operated as planned, the Department's site utilization review provisions will be implemented.

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. There are no indications on file that the past operation of AQ#0899 has negatively impacted other fisheries activities in the area of the site.

The Farm Operations section of the Farm Management Plan for AQ#0899 will require the operator to indicate how they will operate AQ#0899 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#0899 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. Over the most recent tenures of the site, Environmental

monitoring results showed the following results: Oxic A for 2015, 2016 and 2019. No EMP data from 2017 and 2018 due to them being inactive those years.

In events where Oxic 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#0899 conform to the aquaculture management regulations specific to containment management through the Farm Management Plans. 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. On January 24th, 2020, the Department of Fisheries and Aquaculture was notified of a containment breach at AQ#0899. The operator complied with the necessary provisions in their Farm Management Plan and conducted a containment audit in accordance with the Aquaculture Management Regulations. Findings from this audit will require changes to operations on the farm which must be reflected in the Farm Management Plan.

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#0899 is required to maintain compliance with Transport Canada as it relates to Navigable Waters. The operator of AQ#0899 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#0899 is one of three marine finfish aquaculture sites issued to Ocean Trout Farms Inc. in Lobster Bay. AQ#0899 is located approximately 1.6 km from the nearest aquaculture site, AQ#0900, which is also licensed to Ocean Trout Canada Inc. AQ#0900 is located in the nearshore environment of Ram Island. AQ#0899 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#0899, the shoreline, and other aquaculture sites to allow for navigation.

5. Decision

Based on the considerations above, Aquaculture Licence #0899 shall be renewed for a period of 10 years (February 27, 2020 to February 27, 2030) and Aquaculture Lease #0899 shall be renewed for a period of 20 years (February 27, 2020 to February 27, 2040).

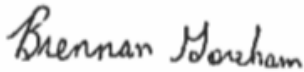
The Licence and Lease documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publicly available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

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.



April 8, 2020

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date