

## **Findings and Decision- Renewal Application of Kelly Cove Salmon Ltd. for AQ#1192**

### **1. Overview:**

On August 28, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Kelly Cove Salmon Ltd. to renew Aquaculture Licence #1192 (AQ#1192), as described below:

Table 1. Description of Aquaculture Licence and Lease #1192

<b>Type:</b> Marine	<b>Size:</b> 9.36HA
<b>Number:</b> AQ#1192	<b>Cultivation Method:</b> Marine Cage
<b>Applicant:</b> Kelly Cove Salmon Ltd.	<b>Species:</b> Atlantic salmon and Rainbow trout
<b>Location:</b> Shelburne Harbour, Shelburne County	<b>Proposed Term:</b> 10 year Licence

### **2. History**

AQ#1192 was first issued to Shelburne Salmon Farms Ltd. on February 2, 2000 for a five year-term (March 1, 2000 to March 1, 2005). AQ#1192 was renewed on June 12, 2006 for a five term (March 1, 2005 to March 1, 2010). AQ#1102 was assigned to Kelly Cove Salmon Ltd. on June 12, 2006. AQ#1192 was renewed on April 20, 2010 for a five-year term (March 2, 2010 to March 1, 2015). AQ#1192 was amended on March 9, 2011 to amend the geographic area and location of the site. AQ#1192 was renewed on October 13, 2015 for a five-year term (March 2, 2015 to March 2, 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 March 3, 2020.

#### *3.2 Public Comment Period*

Notice of the application for the renewal of AQ#1192 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, 2020 to February 7, 2020. Notice of the application was also published in the Royal Gazette Part I on January 9, January 16, January 23, January 30 and February 6, 2020. Several items were raised that will be further discussed in the *Factors to be Considered* section of the decision.

#### *3.3 Submissions*

5 submissions were received by NSDFA during the 30-day public comment period (See Attached).

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

AQ#1192 forms part of Kelly Cove Salmon Ltd.'s multi-site marine aquaculture operation in Nova Scotia. The site had consistent production over the last licence and lease tenure, and resultant employment reflective of the scale of the operation. The operator's future intentions with respect to AQ#1192 indicate continued production and employment. The operator also indicates continued plans to procure goods and services from local and Nova Scotian businesses where practical. Affiliated companies of Kelly Cove Salmon Ltd. also operate a feed mill (Northeast Nutrition, located in Truro) and a seafood distribution outlet (True North Seafood, located in Dartmouth). Should AQ#1192 not be operated as planned, the Department's site utilization review provisions will be implemented. 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.

The operators of AQ#1192 will be required to adhere to all Environmental monitoring provisions of the *Aquaculture Management Regulations*, including the need to maintain sufficient oxic conditions in the benthic environment. Over the most recent tenure of the site, Environmental monitoring results showed the following results: 2015 – Oxic A; 2016 – no testing (site inactive); 2017- no testing (site inactive); 2018 – no testing (site inactive); 2019 – Oxic A. Should oxic conditions not be maintained, the operator will be 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 Farm Operations section of the Farm Management Plan for AQ#1192 will require the operator to indicate how they will operate AQ#1192 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. Additional information on Farm Management Plan requirements can be found at: <https://novascotia.ca/fish/documents/compliance-documents/Minimum-compliance-requirements-Marine-Finfish.pdf>.

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. Concerns were expressed through public submissions regarding the use of pesticides on AQ#1192. 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.

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#1192 is required to maintain compliance with Transport Canada as it relates to Navigable Waters. The operator of AQ#1192 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

During the public submission period, concerns were raised with respect to the impact of AQ#1192 on lobster populations and lobster harvesting activity. No specific information was provided that indicated that the past operation of AQ#1192 had a detrimental effect on lobster fishing activities. Concerns were also raised with respect to the potential negative impacts of AQ#1192 on the local tourism industry; however, no specific information was provided that indicated that the past operation of AQ#1192 had a detrimental effect on tourism activities. Environmental performance, as measured by impacts to the benthic environment, can be managed on a performance basis.

Public comments outlined general concerns related to super chill events at Marine aquaculture sites in Nova Scotia. A review of information related to AQ#1192 does not indicate losses having occurred due to super chill over the most recent tenure of the site; however, 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 salmon farming that allow for real-time monitoring and tracking of oceanographic parameters.

A review of the application and available information indicates that the nearest salmon rivers from AQ#1192 are the Mersey and Tusket River systems, each located at least 50.00 km from AQ#1192 and which are located within the Southern Uplands Designatable Unit. Furthermore, it is a legislated requirement that the operator of AQ#1192 conform to the aquaculture management regulations specific to containment management through Farm Management Plans. Also, there were no reported escapes from AQ#1192 over the most recent tenure of the site. However, 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.

AQ#1192 is one of three marine finfish aquaculture sites currently located within Shelburne Harbour. AQ#1192 is located within waters that are part of a federal

harbour, and as such the Nova Scotia Department of Fisheries and Aquaculture only issues a licence for aquaculture purposes. The operator holds a corresponding lease from Transport Canada (TC) authorizing the use of the space for the aquaculture operation. AQ#1192 is located approximately 400 metres from the closest marine aquaculture site (AQ#0983 – Issued to Ocean Trout Farms Ltd.). AQ#1192 is located approximately 450 metres from the shoreline at its nearest point. Due to the physical separation from other aquaculture sites, the shoreline, and other marine users, there is adequate separation between AQ#0772, the shoreline, and other aquaculture sites to allow for navigation.

## 5. Decision

Based on the considerations above, Aquaculture Licence #1192 shall be renewed for a period of 10 years (March 2, 2020 to March 2, 2030).

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 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 or lease number at 1 corner of the licenses or leased area.



**March 31, 2020**

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

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**Date**

**From:** [REDACTED]  
**To:** [Aquaculture Administrator](#)  
**Subject:** Opposed to the expansion of farm fishing in Shelburne and coffin Island  
**Date:** February 4, 2020 3:47:26 PM

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\*\* EXTERNAL EMAIL / COURRIEL EXTERNE \*\*

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To Whom it may concern ,

I am writing to you today regarding my concern for the future of our county; the reason being fish farming and how it has and will continue to affect our coastal communities.

As one of the owners of the Queens county condo corporation in Beach Meadows Nova Scotia. I am extremely appalled at the notion of expansion of

Cooke Aquaculture fish farm

which will further impact the quality of human life as well as affect our sea life. This entire community and area will be affected by this pollution in and around our environment. Our county, Liverpool, has been striving to promote the area as a tourist destination. Do you think tourist's will want to come to Beach Meadows beach and swim in water that's been polluted by these fish farms?

Our community is being exposed to the pathogen effluents from fish farming. These fish farming lots result in huge consequences for many of the coastal communities which include, wildlife and critical ecosystem failure, the tourism industry dropping, parks and recreation pollution, and our reputation as a travel destination.

We do not expect you to compromise the health of our people and the land they live on. I do not consent to the operation of fish farms and any expansions forthwith. Their operations will continue to spread pollution and harmful pathogens, along with the ongoing transfer of lethal amounts of sea lice.

I speak out of concern for the future of our coast and our integrity as a just and fair community. We demand that there be no expansion of any fish farm in the Nova Scotia region. I also ask that all fish farms be removed from the ocean before it is too late. This is not a new issue, we have learned how destructive fish farms are from all angles over the past 30 years. Science has proven facts regarding the effects of fish farms and now the people have spoken. It is up to you to make the right choice. I sincerely hope you do. The future of our beautiful town of Liverpool depends on it.

Sincerely,  
Robert and Alexis Tierney

[REDACTED]  
Brooklyn ns  
[REDACTED]

Sent from My iPhone  
with blessings  
to you and your family.

The attached records were submitted by third parties to the Department of Fisheries and Aquaculture as a part of a public submission process. The Department does not endorse, and is not responsible for, the contents of the attached records, including but not limited to, the accuracy, reliability, or currency of the information contained in the attached records.

**From:** [REDACTED]  
**To:** [Aquaculture Administrator](#)  
**Subject:** Re: Opposed to the expansion of farm fishing in Shelburne and coffin Island  
**Date:** February 4, 2020 5:32:32 PM

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This one...

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**NOTICE**

**Nova Scotia Department of Fisheries and Aquaculture - Administrative Decision**

The Nova Scotia Department of Fisheries and Aquaculture invites members of the public to provide written comment on **Kelly Cove Salmon Ltd.'s** renewal application for Aquaculture Licence #1192 (AQ#1192) in Shelburne Harbour, Shelburne County. Details of the renewal application are as follows:

**Details of Renewal Application:**

Type: Marine	Size: 9.36 HA
Number: AQ#1192	Cultivation Method: Marine cage
Applicant: Kelly Cove Salmon Ltd.	Species: Atlantic salmon and Rainbow trout
Location: Shelburne Harbour, Shelburne County	Proposed Term: 10 year Licence

Written comments must identify the person making the comments and include contact information (mailing address, civic address, phone number, and email). Written comments may be submitted as follows:

1. By Mail at: Aquaculture Administrator  
Nova Scotia Department of Fisheries and Aquaculture  
1575 Lake Road, Shelburne, NS B0T 1T0
2. By Fax at: 902-875-7429
3. By Email at: [Aqua.Admin@novascotia.ca](mailto:Aqua.Admin@novascotia.ca)

Written submissions will be accepted from 12:00 PM on January 9, 2020 to 11:59 PM on February 7, 2020. To be considered by the Administrator, a written submission from a member of the public must meet the criteria set out in Section 4 of the Aquaculture Licence and Lease Regulations and must meet the guidelines outlined at <http://novascotia.ca/fish/aquaculture/public-information/>

**New as of January 1<sup>st</sup>, 2020:**

Comments received from the public that are relevant to an administrative aquaculture application will be posted on the Department's website when the Administrator's decision concerning that application is made and communicated.

Comments as posted will include the name of the person submitting the comment as well as their community and province/state. The street address, email address and phone number of the person submitting the comment will be removed.

By submitting your comments with respect to an application you are consenting to the posting at the Department's website of the above-noted information. You also agree that your comments will comply with the terms applicable to the use of Government of Nova Scotia websites (a copy of those terms is available at <http://beta.novascotia.ca/terms>).

The Department is not responsible for the content of your posted comments, including, but not limited to, the accuracy, reliability or currency of the information contained therein. Written information provided to the Department as submissions are subject to the protections and disclosures required by the Nova Scotia Freedom of Information and Protection of Privacy Act.

Alexis Tierney  
Robert Tierney

Brooklyn NS

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Sent from My iPhone  
with blessings  
to you and your family.

> On Feb 4, 2020, at 3:31 PM, Aquaculture Administrator <aqua.admin@novascotia.ca> wrote:

>

> Good afternoon,

>

> To ensure that your submission is appropriately captured, could you please clarify to which specific Administrative Application(s) Open for Public Comment your submission relates? A list of Administrative Application Open for Public Comment can be found at:

> <https://novascotia.ca/fish/aquaculture/public-information/>.

>

>

>

> -----Original Message-----

> From: ALEXIS TIERNEY [REDACTED]

> Sent: February 4, 2020 3:47 PM

> To: Aquaculture Administrator <aqua.admin@novascotia.ca>

> Subject: Opposed to the expansion of farm fishing in Shelburne and coffin Island

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> Sincerely,

> Robert and Alexis Tierney

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> Brooklyn ns [REDACTED]

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**From:** [REDACTED]  
**To:** [Aquaculture Administrator](#)  
**Subject:** Kelly cove applications  
**Date:** February 5, 2020 5:19:38 PM

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Allison Chisholm

[REDACTED]  
South Lyon, Michigan [REDACTED]  
[REDACTED]

I am writing to plead that fish farming in Nova Scotia is not further expanded. Both of my parents are from Nova Scotia and I often spent my summers on Long island. To this day I still consider Nova Scotia my home. My uncle's and cousins are all lobster fishers and their livelihood could be jeopardized if the plans to expand fish farming go through.

Although fish farming companies claim they create jobs they neglect the industries that are already flourishing. There are lobster cars in that area for storing lobsters before they go to market. Lobstering is a huge industry in our area and the biggest provider of employment I would not want to see lobster fishing jobs risked by expansion. Another part of this neglect effects the environment. The current cages are the cause of a sludge that pollutes the beaches and shellfish that make Nova Scotia so beautiful.

Nova Scotia beauty is vital in the tourism industry in which many people rely on for their livelihood. Things like whale watching and hiking are pivotal in the area.

Please do not allow any further expansion of fish farms in Nova Scotia. Please investigate and invest in fish farming on land!!

Thank you

Sincerely

Allison Chisholm

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**From:** [REDACTED]  
**To:** [Aquaculture Administrator](#)  
**Subject:** Kelly Cove Salmon and Ocean Trout Farms, #AQ1205, #AQ0742, #AQ0835, #AQ1192  
**Date:** February 6, 2020 9:07:20 AM

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Dear NS Dept of Aquaculture and Fisheries,

It is apparent now that farming fish in our ocean bays and harbours is a very bad idea. Now is also the time when you can decide to end the above leases.

I think it's a much better idea for all of us humans to change our eating habits, and if we want to eat fish, to eat more expensive, sustainable, healthy fish instead, than to further damage our bays and harbours.

We humans have done plenty enough damage to our oceans. Someone needs to give us a cease and desist order. There is no one but us to give that order, and it is now overdue to do just that.

Let us pledge to our precious grandchildren that we will do all we can to undo the harm we have done and are doing to our planet. Take that pledge with me.

sincerely,  
Janet Shotwell

[REDACTED] Halifax, NS [REDACTED]

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**From:** [REDACTED]  
**To:** [Aquaculture Administrator](mailto:aqua.admin@novascotia.ca)  
**Subject:** Re: Kelly cove applications  
**Date:** February 6, 2020 4:28:31 PM

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The Nova Scotia department of fisheries administration pertaining to the proposed Kelly cove salmon farms AQ1192 and AQ1205

On Thu, Feb 6, 2020, 8:10 AM Aquaculture Administrator <[aqua.admin@novascotia.ca](mailto:aqua.admin@novascotia.ca)> wrote:

Good morning,

To ensure that your submission is appropriately captured, could you please clarify to which specific Administrative Application(s) Open for Public Comment your submission relates? A list of Administrative Application Open for Public Comment can be found at: <https://novascotia.ca/fish/aquaculture/public-information/>.

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**From:** Allison Chisholm [REDACTED]  
**Sent:** February 5, 2020 5:19 PM  
**To:** Aquaculture Administrator <[aqua.admin@novascotia.ca](mailto:aqua.admin@novascotia.ca)>  
**Subject:** Kelly cove applications

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Allison Chisholm  
[REDACTED]

South Lyon, Michigan [REDACTED]  
[REDACTED]

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Thank you

Sincerely

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**From:** [Aquaculture Administrator](#)  
**To:** [Aquaculture Administrator](#)  
**Subject:** FW: ASF submissions for AQ# 0742, 0835, 1192, and 1205  
**Date:** February 7, 2020 3:07:20 PM  
**Attachments:** [Kelly Cove Salmon \(AQ 0742, AQ 1192, AQ 1205\) License Renewals - ASF Submission.pdf](#)

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**From:** Kris Hunter [REDACTED]  
**Sent:** February 7, 2020 2:56 PM  
**To:** Aquaculture Administrator <aqua.admin@novascotia.ca>  
**Cc:** Geoff Giffin [REDACTED] Neville Crabbe [REDACTED] Stephen Sutton [REDACTED]  
[REDACTED] Robert Otto [REDACTED] Jon Carr [REDACTED]  
**Subject:** ASF submissions for AQ# 0742, 0835, 1192, and 1205

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Hello,

Please find attached two submissions from the Atlantic Salmon Federation (ASF). The first submission is with regards to the public consultation on Kelly Cove Salmon's renewal applications for aquaculture sites #0742 at St. Mary's Bay in Digby County, #1192 at Shelburne Harbour in Shelburne County, and #1205 at Liverpool Bay in Queens County. The second submission is with regards to the public consultation on Ocean Trout Farms' renewal application for aquaculture site #0835 at Port Mouton in Queens County. If you have any questions or issues with our submissions then please do not hesitate to contact me.

Sincerely,  
Kris Hunter

Program Director for Nova Scotia and Prince Edward Island  
Atlantic Salmon Federation / Fédération du Saumon Atlantique

Atlantic Salmon Federation  Fédération du Saumon Atlantique

[REDACTED]  
[REDACTED]

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February 7, 2020

Aquaculture Administrator  
Nova Scotia Department of Fisheries and Aquaculture  
1575 Lake Road  
Shelburne, NS B0T 1W0

To Whom It May Concern:

I am writing on behalf of the Atlantic Salmon Federation (ASF) concerning the renewal applications by Kelly Cove Salmon Ltd. of their Aquaculture License and Lease #0742 at St. Mary's Bay in Digby County, #1192 at Shelburne Harbour in Shelburne County, and #1205 at Liverpool Bay in Queens County. We have several concerns and reservations about these proposed renewals which are impacts on wild Atlantic Salmon, lack of transparency in the renewal process, other proposed operations in the area of these renewals, unsuitability of the sites for open net-pen aquaculture, and timing in relation to other initiatives such as the new Fisheries Act.

**Wild Atlantic Salmon** – Atlantic Salmon are an iconic species of immense ecological importance. As an anadromous species and as a keystone predator they can be used as a proxy for ecological integrity and health. This importance is recognized by the Government of Nova Scotia and the Government of Canada in numerous policies and regulations including the decision criteria of the Nova Scotia Aquaculture License and Lease Regulations. Currently wild Atlantic Salmon populations in the Southern Uplands region of NS, which encompasses all three bays covered in these license renewal applications, are not doing well. The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) has recommended the Atlantic Salmon in this region be listed as endangered under the federal endangered species act. While this process is still ongoing, Fisheries and Oceans Canada (DFO) has been providing NS organizations in the Southern Uplands with significant funding to address Atlantic Salmon as a species at risk of extinction. Given the importance and status of wild Atlantic Salmon, industries that have significant negative impacts, such as the open net pen aquaculture industry, must be subject to intensive scrutiny and review during regulatory reviews like these license renewal applications. To our knowledge no effort has been made to ascertain the status or potential impacts on Atlantic Salmon in the bays and rivers adjacent to these renewal sites by either the proponent or by the government of NS. From our own affiliates and partners in the area there are small but significant wild Atlantic Salmon populations persist in the Mersey River (adjacent to AQ # 1205), and in the Meteghan and the Sissibo (adjacent to AQ# 0742). These struggling local populations represent a genetic diversity and islands of refuge for the broader Southern Uplands populations that cannot be lost without risking the overall loss of the species. On both the Mersey and the Meteghan there are active groups working to conserve protect these important remnant populations. There is an extensive body of scientific evidence that has clearly demonstrated that open-net pen aquaculture operations have a significant negative impact on wild Atlantic Salmon populations, including work by leading NS researchers. Aquaculture operations attract predators, are potential vectors for disease, affect the local water quality, and alter the biophysical and oceanographic conditions of the bays disrupting migrations. While the NS government is on record saying that they have the best aquaculture regulations in the world and this will allow for coexistence of wild Atlantic Salmon and open net pen aquaculture,

it is a fact that wherever open net pen Atlantic Salmon aquaculture operations and wild Atlantic have been collocated wild Atlantic Salmon populations have declined dramatically, regardless of the management or regulatory regime that has been put in place. It is therefore our opinion that these sites should not be renewed due to the potential threat that they pose to endangered wild Atlantic Salmon.

**Lack of transparency** - As is the unfortunate case with all aquaculture licensing and lease applications in Nova Scotia, there is a very limited amount of publicly available information on the company's proposed renewals for these sites. In fact, the only available information provided is within the context of proposed expansions of two of these sites (#0742 and #1205) outside of these renewal applications. Even this information does not provide details about the history of the sites and how the previous operation of the site impacted the local environment and biodiversity. This lack of information on site performance and negative impact makes a fair and independent evaluation of the potential risks and impacts associated with the renewal near impossible.

Without evidence to demonstrate that these sites are not causing negative impacts to the oceanographic and biophysical conditions in these bays, the precautionary approach dictates that a renewal should not be approved unless it can be demonstrated that the site did not have a significant negative impact on the local environment and fisheries in the area and that it is up to the proponent and the regulatory to provide this information. The precautionary approach is the standard that Fisheries and Oceans Canada has identified to which all fisheries and projects that potential impact fisheries should be managed. Therefore, there needs to be empirical evidence provided either by the proponent or by government to demonstrate that these sites have not been negatively impacting the oceanographic and biophysical characteristics of the public waters surrounding the aquacultural operation before the site can be considered for renewal. If this information exists, then the government must release it under their recently announced commitment to transparency and to adhere to the spirit of public consultation process outlined in regulations. If this information does not exist, then the site renewal needs to be deferred.

**Other aquaculture sites in the public waters surrounding the proposed aquacultural operations** – Kelly Cove Salmon Ltd has applications before the Department of Fish and Aquaculture (NS DFA) to significantly expand the site (AQ# 0742) in St. Mary's Bay and to both expand the site (AQ# 1205) and add more sites (AQ# 1432 and AQ# 1433) in Liverpool Bay. These applications if successful will significantly change the scope and potentially impact of aquaculture operations on the oceanographic and biophysical conditions in these bays. From communications we have had with NS DFA these expansions/additions are triggering more extensive adjudicative application reviews that will address the impacts of these expansions and additions. However, to fully understand the potential impacts and cumulative effects that renewals will have on wild Atlantic Salmon and the oceanographic and biophysical conditions in these bays it is necessary to consider them in the context of these expansions/additions. Renewal decision criteria in section 3 of the NS Aquaculture License and Lease regulations indicates as much in line h). Given this inherent connection between these renewal applications and those more extensive adjudicative reviews, it is felt by ASF that the renewal decisions on these sites (AQ# 0742 and AQ# 1205) should be deferred until such time as the more thorough adjudicative reviews are complete.



**Unsuitability of the sites** - Without any new information being provided by either the proponent or the government, historical evidence must be utilized to determine the suitability of these sites for aquaculture operations. Sites operated by Kelly Cove Salmon, Ltd along the Atlantic Coast of NS have experienced super chill events in 2015 and in 2019 that resulted in large losses of the stocks held on site. The likelihood of this type of event reoccurring is quite high, especially given the exposure of these sites and the increase in extreme weather due to climate change as evidenced by the flash freeze events that have occurred the past few winters. For further proof that these events are not uncommon one only has to look at other aquaculture operations in NS in this region that have a similar exposure profile. Both Snow Island Salmon and Ocean Trout Farms, Inc. have similarly exposed sites and both experienced super chill events (2013, 2015) resulting in the loss of many thousands of salmon. This repeated loss at these exposed sites speaks to both the economic viability of these renewals and to the unsuitability of the oceanographic and biophysical characteristics of the bays along the Atlantic coast of Nova Scotia. As both criteria are listed in the regulations as factors that must be taken into consideration when making aquaculture application or renewal decisions it seems a foregone conclusion that these sites should not be renewed.

**Timing of the renewal applications/approvals** - ASF also has strong reservations about the timing of these renewals as there are numerous regulatory and policy changes that have occurred since original licensing or that are about to occur. These regulation and policy changes could significantly alter the conditions and requirements for finfish aquaculture operations in the area. As such ASF is firmly of the opinion that no finfish aquaculture site should be approved or renewed until such time the consequences of these new regulations and policies are clear.

Since the initial approval of these renewals the NS government has accepted the Doelle-Lahey Report calling for an overhaul of finfish aquaculture regulations in NS and imposed a 3-year moratorium on finfish aquaculture to develop new regulations and guidelines. As these sites were not originally vetted through this new lens, they should be required to go through that process as part of their renewal. At this time, it is unclear as to whether these sites renewals will be grandfathered in in perpetuity or eventually be referred to the newly established Aquaculture Review Board (ARB). This process needs to be communicated to the public prior to the review of any proposals (new sites or renewals). Even if these renewals are to be referred to the ARB it is unclear whether enough information has been collected and presented to evaluate this renewal. For instance, the new regulations require the establishment of go / no-go zones for aquaculture as well as the establishment of oceanographic and biophysical characteristics of the bay to determine its suitability to maintain aquacultural operations. It doesn't appear that this has occurred.

Other regulatory and policy developments are the now-official revisions to the Fisheries Act and the pending development of a new federal Aquaculture Act. The newly revised Fisheries Act has recently received royal assent, resulting in new policies and regulations that will be subsequently developed and implemented. Provisions within the new Act, along with these new policies and regulations could potentially impact aquaculture operations. In addition to the Fisheries Act changes, Fisheries and Oceans Canada (DFO) is developing a new federal Aquaculture Act, for regulating aspects of the aquaculture industry in Canada. The implications of these new Acts, policies, and regulations are not yet known, therefore any new application or renewal will potentially be impacted when these come into effect.

Given the threats posed to endangered wild Atlantic Salmon, the lack of new information associated with these renewals, the history of the adverse events at these sites, the likelihood of adverse conditions reoccurring, and regulatory changes, ASF is seriously concerned about the suitability of these locations for aquaculture operations. Therefore, ASF urges the Nova Scotia Department of Fisheries and Aquaculture to ensure that the best interests of Nova Scotians, optimum use of marine resources, and sustainability of wild salmon are represented and protected by denying these renewals.

Sincerely,

[Redacted signature]

Kris Hunter  
Director of NS and PEI Regional Programs  
Atlantic Salmon Federation

[Redacted contact information]

About ASF:

The Atlantic Salmon Federation (ASF) is a world-leading science and advocacy organization dedicated to conserving and restoring wild Atlantic salmon. Domestically, ASF conducts research on wild salmon throughout the North Atlantic, performs complex river restoration projects and advocates for good environmental decisions. Internationally, ASF negotiates conservation agreements with commercial fishermen in places like Greenland and the Faroe and is represented at important forums such as the North Atlantic Salmon Conservation Organization and the International Council for the Exploration of the Sea. Headquartered in New Brunswick, Canada, ASF oversees a network of six state and provincial councils, and 103 affiliated groups. In Nova Scotia ASF works closely with its provincial council, the Nova Scotia Salmon Association (NSSA), and over two dozen affiliate groups. Altogether ASF represents more than 25,000 members and volunteers.

The attached records were submitted by third parties to the Department of Fisheries and Aquaculture as a part of a public submission process. The Department does not endorse, and is not responsible for, the content of the attached records, including but not limited to, the accuracy, reliability, or currency of the information contained in the attached records.