

## **Aquaculture Licence and Lease Regulations**

made under Section 64 of the

Fisheries and Coastal Resources Act

S.N.S. 1996, c. 25

O.I.C. 2000-31 (February 2, 2000), N.S. Reg. 15/2000

as amended up to O.I.C. 2011-110 (March 25, 2011, effective April 1, 2011), N.S. Reg. 77/2011

### Citation

1 These regulations may be cited as the Aquaculture Licence and Lease Regulations.

### Introduction

2 In these regulations

(a) “Registrar of Aquaculture” means a person designated by the Minister to keep records of aquaculture development areas, aquaculture licences and leases, aquaculture production records and other documents as may be prescribed;

(b) “Provincial Fish Health Veterinarian” means a veterinarian employed by the Department for the purpose of providing veterinary services with respect to fish;

(c) “u-fish pond” means a pond stocked with fish located on private property that does not require a water permit from the Department of Environment, and, in the opinion of the Minister, is used primarily for the purpose of allowing persons to fish in the pond with rod and line for a fee.

Clause 2(c) added: O.I.C. 2000-352, N.S. Reg. 125/2000.

### Location and marking

3 (1) Marine aquaculture lease sites shall

(a) be located 25 m from the mean low water level; and

(b) have a water depth of 2 m on the shoreward boundary at low tide.

(2) Despite subsection (1), the Minister may issue an aquaculture lease for a marine area up to the highwater mark if in the Minister's opinion the area is required for the aquaculture undertaking.

(3) Despite subsection (1), the Minister may issue an aquaculture lease for the bottom culture of mollusks in respect of any area heretofore leased for such purpose by the Government of Canada according to the metes and bounds description used in the licence or lease issued by the Government of Canada.

4 The holder of an aquaculture lease shall

(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 licensed or leased area.

Report and records

5 (1) A licensee shall maintain accurate records with respect to the licensee's aquacultural site relating to

(a) the origin, transport, transfer, and introduction of live aquacultural produce;

(b) the presence of diseases;

(c) the type and amount of food used in relation to aquacultural produce;

(d) the type of medication, dosage, treatment date, and duration of veterinarian treatments;

(e) the source, number and specific location of each stock and lot of aquacultural produce; and

(f) a record of all aquacultural produce sales including the date, number or weight, and destination of each sale.

(2) The records referred to in subsection (1) shall be maintained at the licensee's normal place of business for at least 3 years.

(3) Upon the request of the Registrar of Aquaculture or an Inspector, a licensee shall provide any of the information required to be kept pursuant to subsection (1) in the time and manner prescribed by the Registrar of Aquaculture or an Inspector.

#### Fees

6 (1) The following fees apply for leases, licences and permits issued pursuant to the Act and regulations:

Clause 6(1)(a) repealed: O.I.C. 2000-352, N.S. Reg. 125/2000.

(b) an annual fee of \$365.30 with a rebate of \$114.34 for u-fish ponds for an aquaculture licence;

Clause 6(1)(b) amended: O.I.C. 2000-352, N.S. Reg. 125/2000; O.I.C. 2011-110, N.S. Reg. 77/2011.

(c) an annual lease fee of \$12.17 per hectare for aquaculture leased areas;

Clause 6(1)(c) amended: O.I.C. 2011-110, N.S. Reg. 77/2011.

(d) an application fee of \$608.83 for a lease or licence;

Clause 6(1)(d) added: O.I.C. 2007-160, N.S. Reg. 105/2007; amended: O.I.C. 2011-110, N.S. Reg. 77/2011.

(e) an assignment fee of \$243.52 for a lease or licence;

Clause 6(1)(e) added: O.I.C. 2007-160, N.S. Reg. 105/2007; amended: O.I.C. 2011-110, N.S. Reg. 77/2011.

(f) a lease or licence renewal fee of \$365.30;

Clause 6(1)(f) added: O.I.C. 2007-160, N.S. Reg. 105/2007; amended: O.I.C. 2011-110, N.S. Reg. 77/2011.

(g) a lease or licence amendment fee of \$121.76.

Clause 6(1)(g) added: O.I.C. 2007-160, N.S. Reg. 105/2007; amended: O.I.C. 2011-110, N.S. Reg. 77/2011.

(2) The Minister may waive any fee, other than an application fee, for an aquaculture licence or lease if all of the following conditions are met:

(a) environmental, food safety, economically depressed markets or fish health conditions exist which have resulted in a loss to the persons to whom the waiver is to be granted;

(b) the loss referred to in clause (a) cannot be mitigated;

(c) significant hardship is demonstrated by the persons to whom the waiver is to be granted.

Subsection 6(2) repealed: O.I.C. 2000-352, N.S. Reg. 125/2000; added: O.I.C. 2009-380, N.S. Reg. 274/2009.

(3) A fee waiver granted under subsection (2) may apply to an individual licence or lease or to licences or leases for any of the following:

(a) 1 or more classes of operations;

(b) 1 or more species of aquaculture;

(c) 1 or more geographic areas.

Subsection 6(3) added: O.I.C. 2009-380, N.S. Reg. 274/2009.

#### Removal of leasehold improvements

7 Upon termination of a lease, the lessee shall, upon order of the Minister, immediately and at the lessee's own expense,

(a) remove from the designated premises any and all property constructed, erected, made, brought or placed thereon by the lessee; and

(b) restore the designated premises to as good order and condition as prevailed immediately prior to the commencement of the term of the lease of the designated premises.

8 If the lessee fails to comply with an order for removal and restoration issued pursuant to Section 7 within a time that the Minister considers reasonable, the Minister may effect the removal and restoration at the lessee's risk and expense.

#### Fish health

9 The Provincial Fish Health Veterinarian may isolate, quarantine, order treatment for, restrict the movement of, or destroy cultured fish infected or thought to be infected with a disease that the Provincial Fish Health Veterinarian considers a significant risk to wild or cultured fish stocks.

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