

## **Rock Weed Harvesting Regulations**

made under Section 71 of the  
Fisheries and Coastal Resources Act  
S.N.S. 1996, c. 25

O.I.C. 2001-240 (May 25, 2001, effective May 15, 2001), N.S. Reg. 55/2001  
as amended to O.I.C. 2016-274 (November 1, 2016), N.S. Reg. 239/2016

### Citation

1 These regulations may be cited as the Rock Weed Harvesting Regulations.

### Definitions

2 In these regulations

- (a) “Act” means the Fisheries and Coastal Resources Act;
- (b) “holdfast” means the portion of the rock weed plant by which it is attached to the ocean floor;
- (c) “lessee” means the holder of a lease issued under Part VI of the Act;
- (d) “rock weed” means *Ascophyllum nodosum* or *Fucus* species.

### General right to harvest

3 Any person may harvest rock weed in areas that are

- (a) not closed; and
- (b) not leased.

### Closure

4 (1) The Minister with the approval of the Governor in Council may close any area if the Minister is satisfied it is in the best interests of the Province to do so, notwithstanding that a lessee has rights under a lease pertaining to the area.

(2) No person shall harvest rock weed in an area that has been designated as closed.

### Exemptions

5 (1) A person who harvests less than 4 tonnes of rock weed annually for use by the person for agricultural purposes and not for processing or sale shall not require a lease.

(2) A person who harvests less than 1 tonne of rock weed annually for scientific purposes and not for processing or sale shall not require a lease and may, with the Minister’s approval, be exempt from other specific regulations.

### Permit holder identification card

6 A permit holder shall display the identification card issued to the permit holder pursuant to subsection 70(2) of the Act to a peace officer on demand.

#### Revocation of permit

7 Failure by a permit holder to comply with the Act, these regulations and all other applicable federal, Provincial, and municipal legislation, regulations, and by-laws when harvesting, processing, or attempting to harvest or process rock weed may result in revocation of their permit.

#### Harvest manner

8 A person who harvests *Ascophyllum nodosum* shall do so in a manner that will not interfere with the regrowth of the *Ascophyllum nodosum* and a sustained yield of *Ascophyllum nodosum* on the area harvested.

9 No person shall harvest *Ascophyllum nodosum* in such a way that representative harvest samples contain more than 15% holdfast by weight.

10 No person shall cut *Ascophyllum nodosum* without leaving an upright shoot with a mean cutting height as indicated in the management and commercialization plan contained in the person's notice of application for a lease, or an absolute minimum length of 127 mm (5 in.) above the holdfast in non-leased areas.

11 (1) No person shall sever rock weed by any means other than by means of a cutting instrument approved by the Minister.

(2) For the purposes of these regulations the Minister may determine whether a specific instrument is a cutting instrument.

#### Prohibition of sale/purchase

12 No person shall sell rock weed products or rock weed that

- (a) the person has harvested for use by themselves for agricultural purposes; or
- (b) are harvested in violation of these regulations.

13 No person shall purchase rock weed or rock weed products harvested or sold in violation of these regulations.

#### Application for lease

14 (1) An application for a lease pursuant to Section 68 of the Act shall be in a form prescribed by the Minister.

Subsection 14(1) amended: O.I.C. 2016-274, N.S. Reg. 239/2016.

(2) A notice of application for a lease pursuant to Section 69 of the Act shall be in a form prescribed by the Minister.

Subsection 14(2) amended: O.I.C. 2016-274, N.S. Reg. 239/2016.

(3) A lease shall grant a person exclusive right to harvest in a particular area for processing or sale and shall be in a form prescribed by the Minister.

Subsection 14(3) amended: O.I.C. 2016-274, N.S. Reg. 239/2016.

#### Procedure of hearings

15 The procedure at hearings of applications for leases shall be as directed by the Minister.

#### Assignment/surrender of lease

16 A lessee may, with the consent of the Minister, assign to any other person the lessee's rights under the lease with respect to the whole or any part of the solum described in the lease.

17 A lessee may surrender a lease or the rights with respect to any part of the solum described in the lease to the Minister.

Section 18 repealed: O.I.C. 2016-274, N.S. Reg. 239/2016.

#### Record of harvest

19 (1) A lessee shall keep a record, as prescribed by the Minister, of all rock weed harvested from the solum described in the lessee's lease or acquired by the lessee from other sources.

(2) A record kept pursuant to subsection (1) shall be open to inspection at all reasonable times by the Minister or a person designated by the Minister.

(3) Not later than 15 days after the end of each month for which a lease is in place, a lessee shall file with the Minister, for the Minister's use only and not for publication, a written report specifying the type and quantities of rock weed and the area from which the rock weed was harvested by the lessee from the solum described in the lessee's lease or otherwise acquired by the lessee during that month.

(4) Not later than 15 days after the end of each year for which a lease is in place, a lessee shall file with the Minister, for the Minister's use only and not for publication, a statement of the types and quantities of rock weed harvested by the lessee from the solum described in the lessee's lease or otherwise acquired by the lessee during the immediately preceding year.

#### Revocation, cancellation or alteration of lease

20 The Minister may revoke, cancel or alter a lease

(a) if the lessee fails to pay the annual lease fee or the royalty within 30 days after the fee or royalty is payable; or

(b) if the Minister is satisfied that the lessee has failed to comply with or observe any provision of the Act, these regulations or the lease.

#### Fees and royalties for lessees

21 (1) A lessee shall pay an annual lease fee of \$663.45 to the Minister.

Subsection 21(1) amended: O.I.C. 2015-96, N.S. Reg. 104/2015.

(2) The lease fee shall be payable

(a) for the first year, not later than 15 days after the date of the lease; and

(b) for each subsequent year, not later than 15 days after December 31 of each year.

22 (1) A lessee shall pay a royalty to the Minister at a rate of \$2.45 per wet tonne of rock weed that has been harvested during the previous year.

Subsection 22(1) amended: O.I.C. 2015-96, N.S. Reg. 104/2015.

(2) The royalty prescribed by subsection (1) shall be paid not later than 15 days after December 31 of each year.

(3) If the amount of the royalty prescribed by subsection (1) is greater than the annual lease fee for the year, the amount of the lease fee shall be deducted from the royalty payable.

Forms A, B and C repealed: O.I.C. 2016-274, N.S. Reg. 239/2016.