



PROPONENT'S GUIDE TO SCOPING

Adjudicative Application Process

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Nova Scotia Department of Fisheries and Aquaculture

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I. Introduction

The Nova Scotia Department of Fisheries and Aquaculture (“the Department”) has prepared this guide as a reference for proponents as part of their application(s) for new marine sites or amendments to existing marine sites that are not within an Aquaculture Development Area. The responsibility to conduct scoping is that of the proponent and this document should serve as a guide. Proponents should contact the Department with specific questions related to their scoping process.

This guide is not a substitute for the *Fisheries and Coastal Resources Act* or its regulations. Current versions of the applicable legislation and application documents can be found at the links listed in Appendix A. Where the process and time frames given in this document differ from those in the legislation, the legislation shall prevail.

The requirement for scoping for adjudicative aquaculture applications is outlined in Sections 10 through 13 of the *Aquaculture Licence and Lease Regulations*.

Scoping is required for marine aquaculture site developments, namely in relation to applications for:

- new marine sites;
- boundary amendments if the change results in an increase in site area; and
- the authorization of production of finfish on a site currently authorized to produce shellfish or aquatic plants.

The Department will review the proponent’s report on the scoping process for compliance with the *Aquaculture Licence and Lease Regulations*. The adequacy of scoping will be assessed by the Nova Scotia Aquaculture Review Board (“the Board”) as part of its decision-making process and may result in additional information being requested by the Board.

II. Scoping and the adjudicative application process for marine aquaculture sites

Proponents may begin the scoping process for the marine aquaculture site developments listed in Section I when the Minister approves one of the following:

- an option to lease for a new marine site; or
- a request to pursue an adjudicative amendment

and the proponent pays the associated fees as outlined in Section 77 of the *Aquaculture Licence and Lease Regulations*.

Should this Guide be used for all aquaculture applications?

No. This document should be used by those applying for sites through the adjudicative process. This means applications that will be decided on by the Nova Scotia Aquaculture Review Board.

i. Requirements for public meeting and notice

As outlined in Section 10 of the *Aquaculture Licence and Lease Regulations*, the proponent must hold at least one public information meeting. This meeting must be held in the community that the Department determines is the most appropriate community closest to the location of the aquaculture site that is the subject of the scoping period.

The proponent must publish notice of the public information meeting. The notice must include, at a minimum, the following information:

- name of the proponent;
- intended location of the proposed development;
- nature of the proposed development (species, method of cultivation, and proposed production volume and site size);
- date and location of public meeting(s); and
- any other method of providing input as applicable.

Suggested methods of public notice include:

- local newspaper with circulation in the vicinity of the proposed development;
- public venues in that area (municipal building, post office, corner store, coffee shop or other public buildings); and
- other methods that will provide information to the community (e.g. social media, direct mail-out etc.).

How should I conduct the scoping process?

The means for engaging the public is up to the proponent. It should suit the type of project and community in which it is proposed. A public meeting and notice of the development are required for all applications.

The proponent must provide the Department with copies of the public notices described above including confirmation of the method of public notification used.

Proponents have up to six (6) months to explore the potential location and collect information. Proponents may be granted an extension of up to 6 months by submitting a written request to the Department.

At the end of the scoping period, the proponent may submit an application to the Department. This application must include:

- appropriate Licence/Lease Application form;
- Development Plan; and
- a report on the scoping process carried out (see Section III for more information).

Information collected during the scoping process should support the development of any future application(s) as it relates to the factors to be considered in decisions related to marine aquaculture sites described in Section 3 of the *Aquaculture Licence and Lease Regulations*. The proponent should review the relevant Development Plan Guide (copy available through the link at Appendix A) when developing the strategy for scoping to ensure that the appropriate information is collected during the scoping process.

III. The Scoping Process

The purpose of scoping is to promote the balancing of environmental and community sustainability with the economic benefits of shared resource development. The result of an effective scoping process is improved decision making through the identification and assessment of possible effects of the proposed development, as well the potential to address those effects.

i. Community Engagement

Scoping is a process conducted by the proponent through which information as it relates to the suitability of an area for aquaculture is collected. During the scoping process, the proponent should engage community members, local stakeholder groups, relevant government agencies and Mi'kmaq communities to share information about the proposed activity and identify potential areas for requiring further discussion and feedback. Scoping conducted by the proponent should include the collection of biophysical data and other local information. Information collected by the proponent should be reflected in the application submitted to the Department.

Engagement with the Mi'kmaq of Nova Scotia early in the planning process can help proponents gain knowledge about potential traditional use in the vicinity of the proposed development and identify Mi'kmaq community concerns. Engagement by the proponent with the Mi'kmaq of Nova Scotia does not discharge the Department of its duty to consult with the Mi'kmaq of Nova Scotia. See Appendix A for a reference guide to consultation for proponents.

ii. Report on the scoping process

The proponent should include as much detail as possible in the report on the scoping process. This includes any issues raised and how they were addressed. At a minimum, the report on the scoping process must include the following information:

- forum through which the information was received;
- levels of community engagement;
- any feedback on proposed location, scale, species, operator and technology;
- any feedback on compatibility with existing users;
- any feedback on impacts, benefits, risks and uncertainties;
- any information shared by the Mi'kmaq community, if included in the scoping process.

The report on the scoping process should be included with an adjudicative application if one is submitted to the Department. More information on application requirements can be found at the links listed in Appendix A.

Can I review previous scoping reports?

Yes. They will be posted to the Department's website as part of the adjudicative application package.

IV. Additional information

If you would like further information, please contact the Nova Scotia Department of Fisheries and Aquaculture, Aquaculture Division.

Phone: 902-875-7439
Fax: 902-875-7429
Email: aquaculture@novascotia.ca
Mail: 1575 Lake Road,
Shelburne, NS
BOT 1W0

iii. Public Notice and Disclosure

As part of the process for deciding on an aquaculture application, the Department will disclose application information to other government bodies, including, if applicable, the Nova Scotia Aquaculture Review Board for use at an adjudicative hearing relating to the application.

In accordance with departmental policy, which seeks to promote public involvement in the process for deciding on aquaculture applications, the Department will disclose application information on the departmental website.

iv. Privacy Statement

The personal and business confidential information collected as part of an aquaculture application will only be used or disclosed by the Department for the purpose of deciding on the application. All application information collected is subject to the *Freedom of Information and Protection of Privacy Act* ("FOIPOP") and will only be used or disclosed in accordance with FOIPOP.

Appendix A

Fisheries and Coastal Resources Act:

<https://nslegislature.ca/legislative-business/bills-statutes/consolidated-public-statutes>

Aquaculture Management Regulations: <https://www.novascotia.ca/just/regulations/regsxact.htm>

Aquaculture Licence and Lease Regulations: <https://www.novascotia.ca/just/regulations/regsxact.htm>

Application forms, Development Plan Guides and Proponent's Guide to Scoping: Adjudicative Application Process: <https://novascotia.ca/fish/aquaculture/licensing-leasing>

Proponents' Guide: The role of proponents in crown consultation with the Mi'kmaq of Nova Scotia: <https://novascotia.ca/abor/docs/Proponents%20Guide%20November%202011%20ecopy.pdf>