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In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 343/2015 to 344/2015

Made: October 22, 2015

Filed: October 22, 2015

Theatres and Amusements Regulations—amendment

Bingo Regulations—amendment

Order in Council 2015-336 dated October 22, 2015
Amendment to regulations made by the Governor in Council
pursuant to Section 4 of the *Theatres and Amusements Act*
and Section 127 of the *Gaming Control Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and the Minister responsible for Part II of the *Gaming Control Act* dated July 8, 2015, is pleased, effective on and after October 22, 2015, to:

- (a) pursuant to Section 4 of Chapter 466 of the Revised Statutes of Nova Scotia, 1989, the *Theatres and Amusements Act*, amend the *Theatres and Amusements Regulations*, N.S. Reg. 90/2005, made by the Governor in Council by Order in Council 2005-164 dated April 22, 2005, to repeal sections respecting the licensing of places of amusement in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation; and
- (b) pursuant to Section 127 of Chapter 4 of the Acts of 1994-95, the *Gaming Control Act*, amend the *Bingo Regulations*, N.S. Reg. 37/95, made by the Governor in Council by Order in Council 95-256 dated April 4, 1995, to eliminate the requirement for bingo licensees to hold a place of amusement license issued under the *Theatres and Amusements Act*, in the manner set forth in Schedule “B” attached to and forming part of the report and recommendation.

N.S. Reg. 343/2015

Theatres and Amusements Regulations—amendment

Schedule “A”

**Amendment to the *Theatres and Amusements Regulations*
made by the Governor in Council under Section 4
of Chapter 466 of the Revised Statutes of Nova Scotia, 1989,
the *Theatres and Amusements Act***

- 1 The *Theatres and Amusements Regulations*, N.S. Reg. 90/2005, made by the Governor in Council by Order in Council 2005-164 dated April 22, 2005, are amended by repealing the heading immediately before Section 36 and substituting “Amusement Tax”.
- 2 The regulations are further amended by repealing Sections 36 to 42.
- 3 Table 1 - Licensing Fees of Schedule A to the regulations is amended by striking out the row beginning “Place of amusement licence”.

N.S. Reg. 344/2015

Bingo Regulations—amendment

Schedule “B”

**Amendment to the *Bingo Regulations*
made by the Governor in Council under Section 127
of Chapter 4 of the Acts of 1994-95, the *Gaming Control Act***

- 1 Section 2 of the *Bingo Regulations*, N.S. Reg. 37/95, made by the Governor in Council by Order in Council 95-256 dated April 4, 1995, is amended by repealing the definition of “approved premises”.
- 2 (1) Clause 3(9)(k) of the regulations is repealed.
(2) Subsection 3(11) of the regulations is repealed.
- 3 Subsection 12(2) of the regulations is amended by striking out “approved”.
- 4 Subsection 22(1) of the regulations is amended by striking out “approved premises or controlled outdoor”.

N.S. Reg. 345/2015

Made: October 22, 2015

Filed: October 23, 2015

Petroleum Products Prices

Order dated October 22, 2015
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**NSUARB-GAS-W-15-48**

In the matter of the *Petroleum Products Pricing Act*

- and -

**In the matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Murray E. Doehler, CPA, CA, P.Eng., Member

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended October 21, 2015, are:

Grade 1 Regular gasoline	46.0¢ per litre
Ultra-low-sulfur diesel oil	49.3¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	46.0¢ per litre
Grade 2	49.0¢ per litre
Grade 3	52.0¢ per litre
Ultra-low-sulfur diesel oil	49.3¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	minus 1.2¢ per litre
Ultra-low-sulfur diesel oil:	minus 0.9¢ per litre

And whereas a winter blending adjustment of plus 6.2¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., October 23, 2015.

Dated at Halifax, Nova Scotia, this 22nd day of October, 2015.

sgd: *Elaine Wagner*
Clerk of the Board

Schedule “A”

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on October 23, 2015**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices (Pump Prices includes 15% HST)		Full-Service Pump Prices	
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	51.9	10.0	15.5	77.4	94.5	96.6	94.5	999.9
Mid-Grade Unleaded	54.9	10.0	15.5	80.4	98.0	100.0	98.0	999.9
Premium Unleaded	57.9	10.0	15.5	83.4	101.4	103.5	101.4	999.9
Ultra-Low-Sulfur Diesel	61.8	4.0	15.4	81.2	98.9	101.0	98.9	999.9
Zone 2								
Regular Unleaded	52.4	10.0	15.5	77.9	95.1	97.2	95.1	999.9
Mid-Grade Unleaded	55.4	10.0	15.5	80.9	98.6	100.6	98.6	999.9
Premium Unleaded	58.4	10.0	15.5	83.9	102.0	104.1	102.0	999.9
Ultra-Low-Sulfur Diesel	62.3	4.0	15.4	81.7	99.5	101.5	99.5	999.9

Zone 3								
Regular Unleaded	52.8	10.0	15.5	78.3	95.6	97.6	95.6	999.9
Mid-Grade Unleaded	55.8	10.0	15.5	81.3	99.0	101.1	99.0	999.9
Premium Unleaded	58.8	10.0	15.5	84.3	102.5	104.5	102.5	999.9
Ultra-Low-Sulfur Diesel	62.7	4.0	15.4	82.1	99.9	102.0	99.9	999.9
Zone 4								
Regular Unleaded	52.9	10.0	15.5	78.4	95.7	97.8	95.7	999.9
Mid-Grade Unleaded	55.9	10.0	15.5	81.4	99.1	101.2	99.1	999.9
Premium Unleaded	58.9	10.0	15.5	84.4	102.6	104.6	102.6	999.9
Ultra-Low-Sulfur Diesel	62.8	4.0	15.4	82.2	100.0	102.1	100.0	999.9
Zone 5								
Regular Unleaded	52.9	10.0	15.5	78.4	95.7	97.8	95.7	999.9
Mid-Grade Unleaded	55.9	10.0	15.5	81.4	99.1	101.2	99.1	999.9
Premium Unleaded	58.9	10.0	15.5	84.4	102.6	104.6	102.6	999.9
Ultra-Low-Sulfur Diesel	62.8	4.0	15.4	82.2	100.0	102.1	100.0	999.9
Zone 6								
Regular Unleaded	53.6	10.0	15.5	79.1	96.5	98.6	96.5	999.9
Mid-Grade Unleaded	56.6	10.0	15.5	82.1	99.9	102.0	99.9	999.9
Premium Unleaded	59.6	10.0	15.5	85.1	103.4	105.5	103.4	999.9
Ultra-Low-Sulfur Diesel	63.5	4.0	15.4	82.9	100.9	102.9	100.9	999.9

N.S. Reg. 346/2015

Made: October 26, 2015

Filed: October 26, 2015

Proclamation, S. 20, S.N.S. 2015, c. 19

Order in Council 2015-337 dated October 26, 2015

Proclamation made by the Governor in Council

pursuant to Section 20 of

*An Act to Amend Chapter 25 of the Acts of 1996,
the Fisheries and Coastal Resources Act, Respecting Aquaculture*

The Governor in Council on the report and recommendation of the Minister of Fisheries and Aquaculture dated September 1, 2015, and pursuant to Section 20 of Chapter 19 of the Acts of 2015, *An Act to Amend Chapter 25 of the Acts of 1996, the Fisheries and Coastal Resources Act, Respecting Aquaculture*, is pleased to order and declare by proclamation that Chapter 19 of the Acts of 2015, *An Act to Amend Chapter 25 of the Acts of 1996, the Fisheries and Coastal Resources Act, Respecting Aquaculture*, do come into force on and not before October 26, 2015.

PROVINCE OF NOVA SCOTIA

sgd: **J. J. Grant**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 20 of Chapter 19 of the Acts of 2015, *An Act to Amend Chapter 25 of the Acts of 1996, the Fisheries and Coastal Resources Act, Respecting Aquaculture*, it is enacted as follows:

20 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 19 of the Acts of 2015, *An Act to Amend Chapter 25 of the Acts of 1996, the Fisheries and Coastal Resources Act, Respecting Aquaculture*, do come into force on and not before October 26, 2015;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 19 of the Acts of 2015, *An Act to Amend Chapter 25 of the Acts of 1996, the Fisheries and Coastal Resources Act, Respecting Aquaculture*, do come into force on and not before October 26, 2015, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the Great Seal of
Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
Brigadier-General, the Honourable J. J. Grant
(Retired), Lieutenant Governor of the Province of
Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 26th day of October in the year of
Our Lord two thousand and fifteen and in the sixty-
fourth year of Our Reign.

BY COMMAND:

sgd: Diana C. Whalen
Provincial Secretary
Attorney General and Minister of Justice

N.S. Reg. 347/2015

Made: October 26, 2015

Filed: October 26, 2015

Aquaculture Licence and Lease Regulations—replacement

Order in Council 2015-338 dated October 26, 2015
Regulations made by the Governor in Council
pursuant to Section 64 of the *Fisheries and Coastal Resources Act*

The Governor in Council on the report and recommendation of the Minister of Fisheries and Aquaculture dated August 25, 2015, and upon notice of a fee increase having been presented to the House of Assembly in accordance with Section 4 of Chapter 8 of the Acts of 2007, the *Fees Act*, and pursuant to Section 64 of Chapter

25 of the Acts of 1996, the *Fisheries and Coastal Resources Act*, is pleased, effective on and after October 26, 2015, to:

- (a) repeal the *Aquaculture Licence and Lease Regulations*, N.S. Reg. 15/2000, made by the Governor in Council by Order In Council 2000-31 dated February 2, 2000; and
- (b) make new regulations respecting aquaculture licences and leases in the form set forth in Schedule “A” attached to and forming part of the report and recommendation.

Schedule “A”

**Regulations Respecting Aquaculture Licences and Leases
made by the Governor in Council under Section 64
of Chapter 25 of the Acts of 1996,
the *Fisheries and Coastal Resources Act***

Citation

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

Definitions

2 In these regulations,

“Act” means the *Fisheries and Coastal Resources Act*;

“adjudicative amendment” means an amendment to an aquaculture licence or aquaculture lease that the Review Board is required by clause 49(b) or (c) of the Act to decide on;

“adjudicative hearing” means a public hearing held by the Review Board as required by Section 51 of the Act in accordance with the process set out in Sections 17 to 36;

“aquaculture development area” means an aquaculture development area designated by the Minister under clause 56(1)(a) of the Act;

“bottom shellfish with gear method” means a method of shellfish aquaculture using gear placed on the solum;

“bottom shellfish without gear method” means a method of shellfish aquaculture practised without using gear placed on the solum;

“development plan” means a document that specifies the technical aspects and feasibility of an aquacultural operation at a particular site;

“Farm Management Plan” means a farm management plan as required by the *Aquaculture Management Regulations* made under the Act;

“intervenor” means a person who is granted leave to intervene in an adjudicative hearing before the Review Board under Section 23;

“option to lease” means an option issued by the Minister under subsection 44A(4) of the Act to lease a tract of Crown land that is not designated as an aquaculture development area;

“prescribed fee” means a fee prescribed in Sections 76 to 78;

“reallocation”, in relation to an aquaculture site, means the issuance of an aquaculture licence or aquaculture lease for the aquaculture site after the revocation of its previous aquaculture licence or aquaculture lease, as referred to in clauses 54A(1)(f) and 58(1)(e) of the Act and subsection 59(2) of the Act;

“special experimental lease” means a special experimental lease granted by the Administrator under Section 55 of the Act;

“special experimental licence” means a special experimental licence granted by the Administrator under Section 55 of the Act;

“suspended shellfish method” means a method of shellfish aquaculture using gear placed in the water column;

“u-fish pond” means a pond stocked with fish that meets all of the following criteria:

- (i) it is located on private property,
- (ii) in the opinion of the Administrator, it is used primarily for the purpose of allowing persons to fish in the pond with rod and line for a fee.

Factors to be considered in decisions related to marine aquaculture sites

3 In making decisions related to marine aquaculture sites, the Review Board or Administrator must take all of the following factors into consideration:

- (a) the optimum use of marine resources;
- (b) the contribution of the proposed operation to community and Provincial economic development;
- (c) fishery activities in the public waters surrounding the proposed aquacultural operation;
- (d) the oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation;
- (e) the other users of the public waters surrounding the proposed aquacultural operation;
- (f) the public right of navigation;
- (g) the sustainability of wild salmon;
- (h) the number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation;

Options to Lease

Details in call for proposals

4 A call for proposals for options to lease issued by the Minister must include any details the Minister considers necessary, including all of the following:

- (a) a description of the geographic area under consideration;
- (b) the types of species to be cultivated;

- (c) the method of cultivation to be used;
- (d) the deadline for submitting a proposal;
- (e) the number of options to be issued.

Unsolicited proposal for option to lease

5 The Minister may entertain an unsolicited proposal for an option to lease in a manner determined by the Minister.

Issuing options to lease

- 6 (1) The Minister may establish procedures for evaluating proposals for and issuing options to lease.
- (2) The Minister has sole discretion in deciding whether to issue an option to lease and, if issued, whether to issue it
- (a) as set out in the proposal for the option; or
 - (b) with variations from the proposal for the option.
- (3) In deciding on a proposal for an option to lease, the Minister may take any of the following into consideration:
- (a) the potential benefits to the community and Province;
 - (b) any previous record of the proponent related to aquacultural operations;
 - (c) the ability of the proponent to carry out the proposal;
 - (d) the concentration of current and proposed aquacultural operations, in order to ensure orderly development of the industry;
 - (e) the suitability of the proposal, determined in accordance with any policies established by the Minister.
- (4) Before issuing an option to lease, the Minister must notify the proponent that their proposal has been approved and that a fee to secure the option must be paid as required by Section 7 before the option to lease will be issued.

Fee required to secure option to lease

- 7 (1) To secure an option to lease, a proponent must pay the prescribed fee no later than 15 days after the date the Minister notifies the proponent under subsection 6(5)[(4)] of their successful proposal for the option to lease.
- (2) The Minister must not issue an option to lease to a proponent who does not pay the prescribed fee as required by subsection (1).

Duration of option to lease

- 8 (1) Unless it is renewed under subsection (2), an option to lease expires on the date determined by the Minister, which must be no later than 6 months from the date the option is issued.
- (2) At the written request of the holder, the Minister may grant an extension of up to 6 months to the duration of an option to lease.

Public notice of issued option to lease

- 9 (1) The Minister must publish notice of an issued option to lease on the Department's website and in the Royal Gazette Part I as soon as reasonably possible.
- (2) Notice of an issued option to lease must include any information determined by the Minister.
- (3) In addition to publishing notice of an issued option to lease as required by subsection (1), the Minister may do any of the following:
- (a) notify any person, group of persons or organization, as determined by the Minister, of the issued option to lease;
 - (b) publish notice of the issued option to lease by any means determined by the Minister.

Scoping process for option to lease holder for marine aquaculture site

- 10 (1) Before submitting an application for an aquaculture licence or aquaculture lease for a marine aquaculture site in the area for which their option to lease was issued, an option to lease holder must complete a scoping process.
- (2) The scoping process required by subsection (1) must be carried out as determined by the Minister and must include at least 1 public information meeting that is
- (a) organized by the option to lease holder; and
 - (b) held in the community that the Minister determines is the most appropriate community closest to the location of the aquaculture site that is the subject of the option to lease.
- (3) An option to lease holder must publish notice of the public information meeting required by subsection (2) in a manner determined by the Minister.

New application for a marine site in a non-designated area

- 11 (1) An option to lease holder who wishes to apply for an aquaculture licence or aquaculture lease must submit their application
- (a) after completing the scoping process required by Section 10; and
 - (b) before their option to lease expires.
- (2) In addition to any information required by the Minister under Section 46 of the Act, an option to lease holder must include all of the following with their application for an aquaculture licence or aquaculture lease:
- (a) a report on the scoping process carried out under Section 10, including any details required by the Minister;
 - (b) a development plan that meets the criteria established by the Minister for the type of aquacultural operation to be carried out under the licence or lease.

Adjudicative Amendments**Scoping process for applicant for adjudicative amendment**

- 12 (1) Before applying for an adjudicative amendment, the holder of the aquaculture licence or aquaculture lease must complete a scoping process.

- (2) The scoping process required by subsection (1) must be carried out as determined by the Minister and must include at least 1 public information meeting that is
 - (a) organized by the holder of the aquaculture licence or aquaculture lease; and
 - (b) held in the community that the Minister determines is the most appropriate community closest to the location of the site that is the subject of the aquaculture licence or aquaculture lease.
- (3) A prospective applicant for an adjudicative amendment must publish notice of the public information meeting required by subsection (2) in a manner determined by the Minister.

Applying for adjudicative amendment

13 An application for an adjudicative amendment must include any information or documentation that the Minister considers necessary to assess the application, including all of the following:

- (a) a report on the scoping process carried out under Section 12, including any details required by the Minister;
- (b) an updated development plan that meets the criteria established by the Minister for the type of aquacultural operation to be carried out under the amended aquaculture licence or lease.

Consultations on adjudicative amendment application

14 (1) On receipt of a completed application for an adjudicative amendment, the Minister must appoint an employee of the Department to undertake consultations with any of the following as required under the laws of the Province or of Canada with respect to the application:

- (a) a department or agency of the Government of Nova Scotia;
- (b) a department or agency of the Government of Canada.

- (2) In addition to any required consultation referred to in subsection (1), the Minister may appoint an employee of the Department to undertake consultations with any person, group of persons or organization that the Minister considers necessary in the circumstances.

Performance review on application for adjudicative amendment

15 (1) On receipt of a completed application for an adjudicative amendment, the Minister must appoint an employee of the Department to conduct a performance review of the aquacultural operation that is the subject of the amendment.

- (2) The Minister must determine the criteria for and scope of a performance review under this Section.

Minister must refer application to Review Board

16 The Minister must refer an application for an adjudicative amendment to the Review Board, along with all of the following:

- (a) a report on the outcomes of any consultations undertaken under Section 14;
- (b) a report on any outcomes of the performance review conducted under Section 15.

Adjudicative Hearings

Adjudicative hearing process

17 The Review Board must follow the adjudicative hearing process with respect to any of the following

applications:

- (a) an aquaculture licence or aquaculture lease application with respect to a marine site in an area not designated as an aquaculture development area, as referred to in clause 49(a) of the Act;
- (b) an application for an adjudicative amendment.

Date of adjudicative hearing

- 18 (1)** No later than 15 days after receiving an application referred by the Minister, the Review Board must set a date for an adjudicative hearing.
- (2)** The date of an adjudicative hearing must be at least 60 days but no later than 90 days after the date on which the Review Board sets the adjudicative hearing date under subsection (1).
- (3)** The Review Board must give the parties to an adjudicative hearing at least 60 days' written notice of the hearing date.

Public notice of adjudicative hearing

- 19 (1)** At least 60 days before the date set for an adjudicative hearing, the clerk of the Review Board must publish notice of the adjudicative hearing on the Department's website and in the Royal Gazette Part I.
- (2)** Public notice of an adjudicative hearing must include all of the following information:
- (a) the nature of the hearing;
 - (b) the time and place of the hearing;
 - (c) the location of the aquaculture site that is the subject of the adjudicative hearing;
 - (d) the species and method of cultivation proposed;
 - (e) the applicant's name;
 - (f) any information about the hearing that the Review Board determines should be made public.
- (3)** In addition to publishing notice of an adjudicative hearing as required by subsection (1), the clerk of the Review Board may publish the notice by any means determined by the Review Board.

Pre-hearing submissions for adjudicative hearing

- 20** Members of the public may submit written comments to the Review Board during the notice period provided for an adjudicative hearing and in the manner determined by the Review Board.

Location of adjudicative hearing

- 21** An adjudicative hearing must be held in the community that the Review Board determines is the most appropriate community closest to the aquaculture site that is the subject of the hearing.

Parties to adjudicative hearing

- 22** All of the following are parties to an adjudicative hearing:
- (a) the applicant;
 - (b) any intervenor;

- (c) the Minister or the Minister's designate.

Request for intervenor status

- 23** (1) A person may request intervenor status from the Review Board.
- (2) A request under subsection (1) must be in writing in a form determined by the Review Board and must be submitted to the Review Board no later than 10 days after the date that notice of the adjudicative hearing is published under Section 19.
- (3) No later than 10 days after the date it receives a request for intervenor status, the Review Board must decide whether to grant or refuse the request.
- (4) The Review Board must grant intervenor status to any person requesting it who, in the opinion of the Review Board, is substantially and directly affected by the hearing.
- (5) A decision made by the Review Board with respect to intervenor status is final.
- (6) No later than 5 days after deciding on a request for intervenor status, the Review Board must provide notice of its decision to the person requesting intervenor status and, if the request is granted, to each of the parties to the proceeding.

Copies of documents to intervenor

- 24** Promptly after receipt of any of the following documents referred by the Minister for an adjudicative hearing, the Review Board must provide copies of the documents to an intervenor in the hearing:
- (a) for an application for a new aquaculture licence or aquaculture lease for a marine site in a non-designated area, the documents referred to in subsection 11(2);
- (b) for an application for an adjudicative amendment, the documents referred to in Section 13.

Intervenors' evidence may be consolidated

- 25** The Review Board may require all or part of 2 or more intervenors' evidence to be consolidated if the Review Board determines that consolidation is necessary to avoid repetitive or cumulative evidence.

Copies of documents and correspondence to parties

- 26** (1) A party to an adjudicative hearing who files any correspondence or document with the Review Board, other than a document referred to in Section 24, must at the same time deliver a copy of the document or correspondence to each of the other parties to the adjudicative hearing.
- (2) At the same time it delivers any correspondence to a party to an adjudicative hearing, the Review Board must deliver a copy of the correspondence to each of the other parties.

Review Board authority

- 27** (1) If procedures are not provided for in these regulations or in the Act, the Review Board may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate on the matter before it.
- (2) The Review Board may dispense with, amend, vary or supplement all or part of the procedures for adjudicative hearings set out in these regulations if it is satisfied that the special circumstances of the application before it so require or it is in the public interest to do so.

Opening adjudicative hearing

- 28** The Review Board must open an adjudicative hearing by describing in general terms the purpose of the

adjudicative hearing and the general procedure governing its conduct.

Adjourning and reconvening adjudicative hearing

- 29** (1) The Review Board may adjourn an adjudicative hearing and reconvene the adjudicative hearing at any time and at any place the Review Board considers appropriate.
- (2) The Review Board must provide reasonable notice of the time and place of a reconvened hearing to the parties to the hearing and to the public.

Evidence at adjudicative hearing

- 30** (1) Evidence presented at an adjudicative hearing must be relevant to all of the following:
- (a) the proposed aquacultural operation, including its geographic location;
 - (b) the factors to be considered by the Review Board as required by Section 3.
- (2) The Review Board may exclude anything it considers to be hearsay, irrelevant, immaterial or unduly repetitious from the evidence presented at an adjudicative hearing.
- (3) A party is not entitled to present the evidence of an expert witness at an adjudicative hearing unless
- (a) the evidence is in the form of a report that includes the expert's name, address and qualifications, along with a statement of the substance of the expert's proposed evidence; and
 - (b) the party has provided the evidence to the Review Board and each of the other parties as required by subsection (5).
- (4) A party to an adjudicative hearing may submit written evidence or present oral testimony to explain their position.
- (5) At least 15 days before the date of an adjudicative hearing, a party who intends to present written or visual evidence at the adjudicative hearing must provide that evidence to the Review Board through an affidavit, with a copy to each of the other parties.
- (6) The Review Board may take notice of any facts of which judicial notice could be taken.

Documentary and real evidence at adjudicative hearing

- 31** (1) The clerk of the Review Board must number or otherwise identify each document, material item and object offered and accepted as evidence in an adjudicative hearing.
- (2) The Review Board may accept evidence submitted in the form of a copy or excerpt if the original is not readily available.
- (3) The Review Board may require any person presenting a document or photograph as an exhibit to submit a specified number of copies, unless the document or photograph is determined to be unsuitable for reproduction.

Public participation in adjudicative hearing

- 32** (1) Any member of the public may participate in an adjudicative hearing by making a sworn oral statement or an affirmation providing the Review Board with all of the following information:
- (a) their name;

- (b) their place of residence;
 - (c) their position on the issues, subject to any limits, terms and conditions determined by the Review Board.
- (2) The Review Board must limit the duration of oral testimony given by a member of the public to 6 minutes per person.
- (3) To be considered by the Review Board, a sworn oral statement or an affirmation provided by any member of the public must be in relation to 1 or more of the factors set out in Section 3.

Questions at adjudicative hearing

- 33 (1) Each question at an adjudicative hearing must be directed to the Chair of the Review Board, who may invite the appropriate person to respond to the question.
- (2) The Chair may exclude any question that, in the opinion of the Chair, is outside of the terms of reference of the Review Board or is needlessly repetitive in nature.
- (3) The Chair may limit the number of questions that may be asked at an adjudicative hearing.
- (4) A question addressed to a group of persons representing a party may be directed to a specific member of the group or all members present in person.
- (5) If a question is directed to a specific member of a group representing a party and that person is unable to answer because of a lack of knowledge or qualification, the Chair may permit another member of the group to provide an answer.
- (6) If a party is unable to answer a question without further consultation or research, the party must undertake to provide an answer on or before the close of the hearing or, if that is not possible, no later than 7 days after the close of the adjudicative hearing, and the clerk must provide the response to the person who asked the question and to any other person on request.

Conclusion of adjudicative hearing

- 34 (1) At the conclusion of an adjudicative hearing, the record of the hearing must be closed and, except by agreement of all parties or as specified by the Review Board in accordance with subsection (2), no other evidence may be entered into the record.
- (2) The Review Board may re-open the record of an adjudicative hearing after it has been closed to take additional evidence on specific issues if the Review Board is not satisfied that all necessary information to make a decision has been presented.

Record of adjudicative hearing

- 35 (1) The clerk of the Review Board must keep a full and complete record for each adjudicative hearing.
- (2) A record of an adjudicative hearing must include all of the following:
- (a) the application;
 - (b) supporting documents;
 - (c) all exhibits.

Decision on application for adjudicative hearing

- 36 (1)** No later than 30 days after the date that an adjudicative hearing concludes, the Review Board must decide on the application and issue a written decision that includes the reasons for the decision.
- (2)** In setting out reasons in a written decision, the Review Board must include all of the following:
- (a)** the findings of fact on the evidence related to the factors set out in Section 3;
 - (b)** the conclusions of law based on the findings of fact;
 - (c)** particulars of any deviations by the Review Board from the procedures for adjudicative hearings set out in these regulations, as allowed under subsection ~~24~~[27](2).
- (3)** Once a written decision on an application is issued by the Review Board, the clerk of the Review Board must
- (a)** send a certified copy of the decision to each party to the adjudicative hearing on the application; and
 - (b)** publish a certified copy of the decision on the Department's website.

Deadline for implementing Review Board decision

- 37** An action of the Minister to implement a decision of the Review Board must be taken no later than 15 days after the closing date of the appeal period set out in Section 50 of the Act.

Administrative Decisions**Prescribed process for administrative decisions**

- 38 (1)** Except as provided in subsection (2), the process set out in Sections 39 to 42 is prescribed as the process to be followed by the Administrator in making a decision with respect to an application for any of the following:
- (a)** an aquaculture licence or aquaculture lease in a designated aquacultural development area;
 - (b)** an aquaculture licence for a land-based aquaculture site;
 - (c)** an amendment of an aquaculture licence or aquaculture lease;
 - (d)** a renewal of an aquaculture licence or aquaculture lease;
 - (e)** an assignment of an aquaculture licence or aquaculture lease;
 - (f)** a special experimental licence or special experimental lease;
 - (g)** a reallocation of an aquaculture site.
- (2)** The administrative decision process prescribed by subsection (1) is not required for either of the following:
- (a)** a routine amendment to an aquaculture licence or aquaculture lease that is required to correct an error or to address a revised policy or a regulatory change of the Government of Nova Scotia or of the Government of Canada;

- (b) a request for corresponding expiry dates under subsection 49[52](5).

Manner of applying to Administrator

39 Any application referred to in clauses 38(1)(c) to (f) must be made in a manner determined by the Administrator.

Consultations on application to Administrator

40 (1) On receipt of a completed application that is within the jurisdiction of the Administrator, the Administrator must undertake consultations with any of the following as required under the laws of the Province or of Canada with respect to the application:

- (a) a department or agency of the Government of Nova Scotia;
- (b) a department or agency of the Government of Canada.

(2) In addition to any required consultation referred to in subsection (1), the Administrator may undertake consultations with any person, group of persons or organization that the Administrator considers necessary in the circumstances.

Public submissions on application to Administrator

41 (1) On completion of any consultations conducted under Section 40 with respect to an application, the Administrator must publish a notice on the Department's website and in the Royal Gazette Part I inviting the public to submit written comments on the application to the Administrator within the 30 days following the date the notice is published.

(2) A public notice under subsection (1) must specify the period during which written comments may be submitted together with any additional information that the Administrator determines to be necessary.

(3) In addition to the means of publishing required by subsection (1), the Administrator may publish a notice inviting written comments on an application by any other means determined by the Administrator.

(5) A member of the public may submit written comments about an application to the Administrator by mail, fax or e-mail.

(6) To be considered by the Administrator, a written submission from a member of the public must meet all of the following requirements:

- (a) it must identify the person making the comments and include contact information;
- (b) it must describe how the person making the comment is connected with the matter to be determined;
- (c) it must be submitted within the 30-day period specified in the notice published under subsection (1);
- (d) it must be in relation to 1 or more of the factors set out in Section 3.

Administrator's decision

42 (1) After the close of submissions under Section 41, the Administrator must decide on the application and issue a written decision that includes the reasons for the decision.

- (2) On issuing a written decision, the Administrator must
 - (a) send a copy of the written decision issued to the applicant; and
 - (b) publish a copy of the decision on the Department's website.

Land-based Aquaculture

Factors to be considered in application for land-based aquaculture licence

43 In deciding on an application for a land-based aquaculture licence, the Administrator may take the following factors into consideration:

- (a) the financial viability of the proponent and the proposed operation;
- (b) the extent to which the proposal is in accordance with the Act, the relevant regulations made under the Act and any guidelines or policies established by the Minister;
- (c) the technical viability of the proposed operation;
- (d) any factors that the Administrator considers relevant to the application.

Applications for land-based aquaculture

44 In addition to any information required by the Minister under Section 46 of the Act, an application for a land-based aquaculture licence must include a development plan together with any information or documentation that the Administrator considers necessary to assess the application.

U-fish operations

- 45** (1) Sections 43 and 44 apply to an application for an aquaculture licence for a u-fish pond.
- (2) The holder of an aquaculture licence for a u-fish pond must not process and sell the aquacultural produce from their u-fish pond.

Special Experimental Leases and Licences

Applying for special experimental licence

46 A person who wishes to conduct aquaculture to do any of the following may apply for a special experimental licence:

- (a) test or develop new technology or methods;
- (b) carry out basic research;
- (c) test the technical feasibility of a aquaculture site.

Applying for special experimental lease

47 An applicant for a special experimental licence must also apply for a special experimental lease if the proposed aquaculture site is on Crown land.

Research purposes

48 Aquaculture conducted under a special experimental licence must be in support of research and must not be on a scale that exceeds the research purposes for which the special experimental licence or special experimental lease was granted.

Research results

- 49** (1) A holder of a special experimental licence must make a summary of the research results from the aquaculture conducted under the experimental licence available to the Minister.
- (2) The Minister, in the Minister's sole discretion, may release the summary submitted under subsection (1) to the public in full or in part.

No assigning special experimental licence or lease

- 50** (1) A holder of a special experimental licence or special experimental lease must not assign the special experimental licence or special experimental lease.
- (2) An assignment contrary to subsection (1) is void.

Conversion to commercial purpose

- 51** A holder of a special experimental licence or special experimental lease who wishes to apply for a commercial aquaculture licence or aquaculture lease for the same site must apply to the Minister in accordance with Section 46 of the Act and these regulations.

Terms and Conditions of Aquaculture Licences and Aquaculture Leases**Term and renewal of aquaculture licence or aquaculture lease**

- 52** (1) Except as provided in subsection (3), the term of an aquaculture licence must not exceed 10 years, and an aquaculture licence may be renewed for further terms of no longer than 10 years each.
- (2) Except as provided in subsection (3), the term of an aquaculture lease must not exceed 20 years, and an aquaculture lease may be renewed for further terms of no longer than 20 years each.
- (3) A special experimental licence or a special experimental lease is valid for a term of 1 year and may be renewed annually for up to 5 years.
- (4) On application by the holder of an aquaculture licence or aquaculture lease at least 6 months before its term expires, the Administrator may renew the licence or lease.
- (5) On request by the holder of an aquaculture licence or aquaculture lease, the Administrator may amend the expiry date of the licence or lease so that it corresponds with the expiry date of another aquaculture licence or aquaculture lease granted to the same holder, but only if this does not result in the granting or renewal of a term longer than that permitted under subsection (1) or (2).

Application of Sections 54 to 58

- 53** Sections 54 to 58 apply to all aquaculture licences and [aquaculture] leases, including, unless otherwise specified, special experimental licences and [special experimental] leases.

Information included on licence or lease

- 54** (1) An aquaculture licence or aquaculture lease must indicate all of the following information:
- (a) the species that may be cultivated under the licence or lease;
 - (b) the methods of cultivation authorized under the licence or lease;
 - (c) the geographic coordinates of the boundaries of the site under the licence or lease.
- (2) In addition to the requirements of subsection (1), an aquaculture licence or aquaculture lease may specify the maximum amount of aquacultural produce allowed on the site.

Location and marking

- 55** (1) An aquaculture licence holder must mark each of their sites in a manner determined by the Minister and keep each site marked during the term of their licence.
- (2) An aquaculture licence holder must ensure all of the following:
- (a) that each of their sites is marked as required under subsection (1) before any development takes place at the site;
- (b) that equipment and aquacultural produce related to any of their sites remain within the geographic boundaries of that site.

Security bond

- 56** (1) An aquaculture licence holder must ensure that a security bond is in place for the aquaculture site under the licence until a certificate of discharge has been issued by the Administrator.
- (2) The holder of a new aquaculture licence must not begin their aquacultural operation until any applicable security bond has been approved by the Administrator.
- (3) A person carrying out an aquacultural operation under an existing aquaculture licence on the date these regulations come into force must, no later than 18 months after that date, provide the Administrator with proof that any security bond required by this Section is in place and meets the requirements of this Section.
- (4) A security bond must be in a form satisfactory to the Administrator.
- (5) Except as provided in subsection (6), and subject to subsection (7) and (8), a security bond must be in an amount equal to the amount set out in the following table for the type of aquacultural operation carried out by the licensee:

Type of Aquacultural Operation	Security Bond Amount
Land-based operation	none
Operation using only bottom shellfish without gear method	none
Operation using bottom shellfish with gear method, site size 10 ha or smaller	\$500.00
Operation using bottom shellfish with gear method, site size larger than 10 ha and smaller than or equal to 50 ha	\$1000.00
Operation using bottom shellfish with gear method, site size larger than 50 ha	\$1500.00
Operation using suspended method for shellfish, marine plant or other species, site size 10 ha or smaller	\$5000.00
Operation using suspended method for shellfish, marine plant or other species, site size larger than 10 ha and smaller than or equal to 50 ha	\$10 000.00
Operation using suspended method for shellfish, marine plant or other species, site size larger than 50 ha	\$15 000.00
Marine finfish operation	\$1.50 per 100 kg licensed

- (6) For a holder of a special experimental licence, the amount required for a security bond is 50% of the applicable amount specified in subsection (5).
- (7) The security bond amount required for an aquaculture licence holder who is licensed for more than 1 species class on a site is the highest amount listed in subsection (5) that is applicable to that licensee.
- (8) The Minister may approve collective security arrangements for a group of aquaculture licence holders if the Minister is satisfied that those arrangements will effectively meet the requirements of this Section.

Access for riparian land owner

57 An aquaculture licence holder must conduct their aquacultural operation so as not to deprive any riparian land owner of reasonable access to and from the water adjacent to the land of the riparian land owner.

Recording and reporting requirements

- 58** (1) An aquaculture licence holder must maintain current and accurate records of all of the following with respect to their aquacultural operation:
- (a) all aquacultural produce sales, including the date, number or weight and destination of each sale;
 - (b) all losses of aquacultural produce by any means, including predation and weather;
 - (c) all on-site inventory;
 - (d) any information that the Minister requires to be recorded.
- (2) An aquaculture licence holder must retain each record maintained under subsection (1) at their normal place of business for at least 7 years from the date of the last entry in the record.
- (3) On request, an aquaculture licence holder must provide the Minister or the Minister's designate with any information from their records that is specified in the request in the manner and within the time period specified in the request.
- (4) An aquaculture licence holder must submit an annual report to the Minister at a time determined by the Minister that sets out any information required by the Minister concerning the aquaculture licence holder's use of the aquaculture site under the licence and the productivity of the site.

No sublicensing or subletting

- 59** (1) A holder of an aquaculture licence must not sublicense their interest in an aquaculture site.
- (2) A holder of an aquaculture lease must not sublet their interest in an aquaculture site.
- (3) A sublicense or sublease contrary to this Section is void.

Discontinuance of Aquacultural Operation at Marine Site

Request for certificate of discharge

- 60** (1) On revocation of an aquaculture licence or aquaculture lease by the Administrator under Section 59A of the Act, or on the decision of an aquaculture licence holder to discontinue their marine aquacultural operation, the former aquaculture licence holder or aquaculture licence holder must obtain a certificate of discharge from the Administrator.

- (2) A request to the Administrator for a certificate of discharge must include all of the following:
 - (a) a remediation plan;
 - (b) an anticipated date of completion of the remediation plan;
 - (c) payment of any outstanding fees that are owed for the aquaculture licence or aquaculture lease.
- (3) On receipt of a request for a certificate of discharge, the Administrator must do 1 of the following with respect to the remediation plan submitted with the request:
 - (a) accept the remediation plan as submitted; or
 - (b) establish an amended remediation plan with or without adjusting the anticipated date of completion of the remediation plan.

When Minister may remediate aquaculture site

- 61 (1)** The Minister may remediate an aquaculture site at the risk and expense of a former aquaculture licence holder or aquaculture licence holder in either of the following circumstances:
- (a) the site is not remediated in accordance with the remediation plan by the anticipated date of completion provided in a request for a certificate of discharge under Section 60;
 - (b) the site is abandoned without the former aquaculture licence holder or aquaculture licence holder first requesting a certificate of discharge from the Administrator.
- (2) The Minister may draw on the security bond of the former aquaculture licence holder or aquaculture licence holder to remediate an aquaculture site.

Certificate of discharge

- 62** On completion of a remediation plan established under Section 60 or a remediation carried out by the Minister under Section 61, the Minister must issue a certificate of discharge to the former aquaculture licence holder or aquaculture licence holder and release any outstanding portion of their security bond.

Reallocated Marine Aquaculture Sites

Definition for Sections 64 to 67

- 63** In Sections 64 to 67, “proposal” means a proposal for the exclusive right to apply for reallocation of a marine aquaculture site.

Call for proposals

- 64 (1)** The Administrator may issue a call for proposals.
- (2) A call for proposals must include any details the Administrator considers necessary, including all of the following:
- (a) a description of the location and size of the aquaculture site;
 - (b) the types of species to be cultivated;
 - (c) the method of cultivation to be used;

- (d) the deadline for submitting a proposal.

Evaluating proposals

- 65 (1)** The Administrator may establish the criteria for selecting a proposal and may, in the Administrator's sole discretion, do any of the following:
- (a) select a proposal as submitted;
 - (b) select a proposal but require variations to the proposal;
 - (c) not select any proposals.
- (2)** On selecting a proposal, the Administrator must notify the successful proponent of the selection and of any variations to the proposal required by the Administrator under clause (1)(b).

Application requirements for reallocation of marine aquaculture site

- 66 (1)** A proponent whose proposal is selected by the Administrator and who wishes to apply for an aquaculture licence and aquaculture lease for the aquaculture site being reallocated must submit their application no later than 90 days after the date of the Administrator's notice under subsection 65(2).
- (2)** In addition to any information required by the Minister under Section 46 of the Act, an application referred to in subsection (1) must be accompanied by a development plan together with any information or documentation that the Administrator considers necessary to assess the application.

Aquaculture Development Areas

Definition for Sections 68 to 70

- 67** In Sections 68 to 70, "proposal" means a proposal for the exclusive right to apply for an aquaculture licence and aquaculture lease for a site in an aquaculture development area.

Call for proposals

- 68 (1)** The Minister may issue a call for proposals.
- (2)** A call for proposals must include any details the Minister considers necessary, including all of the following:
- (a) a description of the location of the aquaculture development area;
 - (b) the types of species to be cultivated;
 - (c) the method of cultivation to be used;
 - (d) the size of the sites within the aquaculture development area;
 - (e) the deadline for submitting a proposal.

Evaluating proposals

- 69 (1)** The Administrator may establish the criteria for selecting a proposal and may, in the Administrator's sole discretion, do any of the following:
- (a) select 1 or more proposals as submitted;

- (b) select 1 or more proposals but require variations to the proposal or proposals;
 - (c) not select any proposals.
- (2) On selecting a proposal, the Administrator must notify the successful proponent of the selection and of any variations to the proposal required by the Administrator under clause (1)(b).

Application requirements for licence and lease in aquaculture development area

- 70 (1) A proponent whose proposal is selected by the Administrator and who wishes to apply for an aquaculture licence and aquaculture lease for a site within the aquaculture development area must submit their application no later than 90 days after the date of the Administrator's notice.
- (2) In addition to any information required by the Minister under Section 46 of the Act, an application referred to in subsection (1) must be accompanied by a development plan together with any information or documentation that the Administrator considers necessary to assess the application.

Performance Reviews Conducted by Administrator

Definition for Sections 72 and 73

- 71 (1) In Sections 72 and 73, "performance review" means a performance review of an aquacultural operation required by this Section.
- (2) The Administrator or a person designated by the Administrator must conduct performance reviews of aquacultural operations at the times specified in Section 72.
- (3) The Minister must determine the criteria for and scope of a performance review.

Timing of performance reviews

72 The times specified for performance reviews are as follows:

- (a) for a new aquaculture licence, following the first production cycle, as determined on initial issuance of the licence;
- (b) on receiving an application to assign the aquaculture licence or aquaculture lease for the operation;
- (c) on receiving an application to renew the aquaculture licence or aquaculture lease for the operation;
- (d) on receiving an application for an amendment to the aquaculture licence or aquaculture lease for the operation that is under the jurisdiction of the Administrator;
- (e) before entering the information related to that site into the aquaculture registry;
- (f) at any time the Minister considers a performance review to be necessary.

Outcomes of performance review

- 73 (1) On completion of a performance review, the Administrator must notify the aquaculture licence holder of the outcome of the review.
- (2) In a notice under subsection (1), the Administrator may address concerns raised in the review by either

- (a) varying the terms and conditions of the aquaculture licence or aquaculture lease; or
- (b) revoking the aquaculture licence or aquaculture lease in accordance with Section 59A of the Act.

Fee Payments and Fee Waivers

Fees required

- 74** (1) A fee must be paid for each application, renewal, assignment and amendment of an aquaculture licence or aquaculture lease under the Act or these regulations.
- (2) All fees are payable to the Minister of Finance and Treasury Board.
- (3) All fees are non-refundable.

Application fee payable on date application submitted

- 75** An application under these regulations is not considered complete and ready for processing until the application fee is paid.

Prescribed Fees

Fee to secure option to lease

- 76** The fee to secure an option to lease is \$500.00.

Fees for aquaculture licence and aquaculture lease applications

- 77** (1) For an aquacultural operation at a marine aquaculture site that is in an area not designated as an aquaculture development area, or at a reallocated site, the application fee is as set out in the following table:

Application Type	Application Fee	
	Licence	Lease
New licence or lease for finfish operation	\$1000.00	\$1000.00
New licence or lease for operation using only bottom shellfish without gear operation	\$250.00	\$250.00
New licence for operation using bottom shellfish with gear method	\$375.00	\$375.00
New licence or lease for suspended shellfish operation	\$500.00	\$500.00
New licence or lease for operation using suspended method for marine plants or other species	\$250.00	\$250.00
Amendment to add finfish to a non-fish operation	\$1000.00	\$1000.00
Amendment to add or change species, other than to add finfish to a non-fish operation	\$250.00 per species	\$250.00 per species
Amendment to change culture method to include suspended shellfish	\$375.00	\$375.00
Amendment to change culture method to include bottom shellfish with gear	\$250.00	\$250.00
Amendment to change culture method to include bottom shellfish without gear	\$125.00	\$125.00

Amendment to change site boundaries	\$500.00	\$500.00
Assignment	\$250.00	\$250.00
Renewal, other than renewal of special experimental licence or lease	\$500.00	\$1000.00
New special experimental licence or lease	\$250.00	\$250.00
Renewal of special experimental licence or lease	\$50.00	\$50.00

- (2) For an aquaculture site that is in an aquaculture development area, the application fee is as set out in the following table:

Application type	Application Fee	
	Licence	Lease
New licence or lease for finfish operation	\$2000.00	\$2000.00
New licence or lease for operation using only bottom shellfish without gear operation	\$500.00	\$500.00
New licence for operation using bottom shellfish with gear method	\$750.00	\$750.00
New licence or lease for suspended shellfish operation	\$1000.00	\$1000.00
New licence or lease for operation using suspended method for marine plants or other species	\$500.00	\$500.00
Amendment to add finfish to a non-fish operation	\$2000.00	\$2000.00
Amendment to add or change species, other than to add finfish to a non-fish operation	\$500.00 per species	\$500.00 per species
Amendment to change culture method to include suspended shellfish	\$750.00	\$750.00
Amendment to change culture method to include bottom shellfish with gear	\$500.00	\$500.00
Amendment to change culture method to include bottom shellfish without gear	\$250.00	\$250.00
Amendment to change site boundaries	\$1000.00	\$1000.00
Assignment	\$250.00	\$250.00
Renewal, other than renewal of special experimental licence or lease	\$500.00	\$1000.00
New special experimental licence or lease	\$250.00	\$250.00
Renewal of special experimental licence or lease	\$50.00	\$50.00

- (3) For a land-based aquaculture site, the application fee is as set out in the following table:

Application Type	Application Fee
Licence for new operation	\$500.00

Amendment to licence to add or change species	\$250.00 per species
Licence renewal	\$500.00
Licence assignment	\$250.00

Annual fees

- 78 (1)** An aquaculture licence or aquaculture lease holder must pay an annual fee on each anniversary date of the issuance of the licence or lease.
- (2)** An annual fee that is not paid on the anniversary date of the issuance of the aquaculture licence or aquaculture lease is subject to a late fee.
- (3)** For any type of aquacultural operation, the following annual fees apply:

Item	Annual Fee
Aquaculture licence	\$398.10
Aquaculture lease	\$13.30/ha
Late fee	10% of annual fee amount or \$100, whichever is more

- (4)** If an amendment to an aquaculture lease results in a change to the annual fee, the annual fee payable for the year of the amendment is adjusted on a pro rata basis from the date of the amendment.
- (5)** The holder of an aquaculture licence to operate a u-fish pond is eligible for a rebate of \$124.60 on their annual fees.

Minister may waive fee

- 79 (1)** The Minister may waive annual fees payable by a person in connection with an aquaculture licence or aquaculture lease if all of the following conditions are met:
- (a)** existing environmental, food safety, market or fish health conditions have resulted in a loss to the person;
- (b)** the loss referred to in clause (a) cannot, in the opinion of the Minister, be mitigated;
- (c)** significant hardship is demonstrated by the person.
- (2)** A fee waiver granted under subsection (1) may apply to any of the following:
- (a)** 1 or more classes of aquacultural operations;
- (b)** 1 or more species of aquacultural produce;
- (c)** 1 or more geographic areas.
- (3)** A request to have a fee waived must be accompanied by any supporting information required by the Minister.
- (4)** Once a year, the Minister must review the records of fees waived during the preceding year.

N.S. Reg. 348/2015

Made: October 26, 2015

Filed: October 26, 2015

Aquaculture Management Regulations

Order in Council 2015-339 dated October 26, 2015
Regulations made by the Governor in Council
pursuant to Section 64 of the *Fisheries and Coastal Resources Act*

The Governor in Council on the report and recommendation of the Minister of Fisheries and Aquaculture dated August 25, 2015, and pursuant to Section 64 of Chapter 25 of the Acts of 1996, the *Fisheries and Coastal Resources Act*, is pleased to make regulations respecting aquaculture management in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after October 26, 2015.

Schedule "A"

Regulations Respecting Aquaculture Management
made by the Governor in Council under Section 64 Chapter 25 of the Acts of 1996,
the Fisheries and Coastal Resources Act

Citation

1 These regulations may be cited as the *Aquaculture Management Regulations*.

Definitions

2 In these regulations,

"biosecurity measures", in relation to an aquaculture site, means the measures taken to prevent the entry or escape of disease causing agents;

"breach" means any escaping of fish from an aquaculture site;

"Chief Aquatic Animal Health Veterinarian" means the veterinarian appointed by the Minister under Section 3;

"containment management" means the structures in place, and practices carried out, to contain the fish at an aquaculture site;

"critical control limit" means the level or range of a value measured at a critical control point at which no remedial action is required;

"critical control point" means a stage in a procedure at which an action could be taken, if necessary, to prevent, eliminate or reduce a risk;

"disease" means any condition that adversely affects the health of fish;

"fallow period" means a period of time during which aquacultural produce must not be present and aquaculture must not be carried out at an aquaculture site;

"Farm Management Plan" means the document required by Section 5 that sets out how the aquaculture licence holder must address issues such as fish health management, environmental monitoring, farm operations and containment management at their aquacultural operation;

“fish” means any finfish or shellfish;

“holding unit” means a cage, tank, pond or other device used to contain, hold or demarcate groups of fish;

“laboratory” means any of the following:

- (i) a laboratory operated or managed by an aquaculture licence holder,
- (ii) a veterinary diagnostic or research laboratory,
- (iii) a medical or clinical diagnostic laboratory,
- (iv) a medical research laboratory;

“mitigation plan” means a mitigation plan to address poor environmental performance determined through monitoring, as required by clause 10(1)(e) or 11(1)(e) for a marine aquaculture site or by subsection 12(1) for a land-based aquaculture site;

“oxic conditions”, in relation to sub-aquatic lands, means oxygen availability indicated directly or indirectly by a verifiable and quantifiable measure;

“quarantine” means the isolation of an aquaculture site and the control or prohibition of the movement of fish, fish products, food, equipment or any other thing to or from the site;

“quarantine order” means an order for a quarantine issued by the Minister under Section 24;

“test”, in relation to an aquatic animal, includes the collection of body tissue or fluid from the aquatic animal for the purpose of determining whether the animal is infected with a disease causing agent;

“veterinarian” means a person who is permitted to practise veterinary medicine in the Province under the *Veterinary Medical Act*;

“veterinary administrator” means a veterinarian employed by the Department to assist in administering these regulations.

Administration

Chief Aquatic Animal Health Veterinarian

- 3 (1) The Minister must appoint a person as the chief aquatic animal health veterinarian to administer parts of these regulations.
- (2) In the absence of the Chief Aquatic Animal Health Veterinarian, the Minister may temporarily delegate the powers and duties of the Chief Aquatic Animal Health Veterinarian to a veterinary administrator.
- (3) The Chief Aquatic Animal Health Veterinarian or a veterinary administrator, in exercising powers under these regulations, may be accompanied by any person they consider necessary to enable them to exercise those powers.

Release of information to the public

- 4 The Minister may establish policies for the routine release to the public of aquaculture related information

held by the Department, including policies for any of the following:

- (a) the type of information to be released;
- (b) the manner in which information is released;
- (c) the timing of the release of information.

Farm Management Plans

Farm Management Plan and record of amendments

- 5** (1) An aquaculture licence holder must prepare a Farm Management Plan in accordance with these regulations and submit it to the Minister for approval at the following times:
- (a) before the initial stocking of their aquaculture site;
 - (b) no later than 12 months after the date these regulations come into force, for a person who holds an aquaculture licence on the date these regulations come into force.
- (2) An aquaculture licence holder must keep a record of any amendments to their Farm Management Plan, to be provided as required as part of an audit under Section 38.

Required content for Farm Management Plan

- 6** (1) A Farm Management Plan must include any information required by the Minister, including sections for all of the following:
- (a) fish health management, in accordance with Section 9;
 - (b) environmental monitoring, in accordance with Sections 10 to 13;
 - (c) farm operations, in accordance with Section 14;
 - (d) containment management, in accordance with Section 15, for holders of aquaculture licences for finfish in marine aquaculture sites.
- (2) Each procedure contained in a Farm Management Plan must include any of the following that apply with respect to that procedure:
- (a) critical control points;
 - (b) critical control limits;
 - (c) details about how the procedure is to be monitored;
 - (d) details about corrective actions to be taken.
- (3) The Minister may establish minimum requirements for the procedures referred to in subsection (2).
- (4) The Minister must publish any minimum requirements established under subsection (3) on the Department's website.

Minister may require amendments to Farm Management Plan

- 7** On reviewing a Farm Management Plan, the Minister may require the Plan to be amended.

Adherence to Farm Management Plan

- 8** An aquaculture licence holder must adhere to the procedures contained in their Farm Management Plan and must keep records that
- (a) verify adherence to the procedures; and
 - (b) demonstrate that effective action was taken at critical control points.

Fish health content

- 9 (1)** The fish health section of a Farm Management Plan must include any information and procedures the Minister requires to ensure the effective management of fish health at an aquacultural operation, including all of the following:
- (a) for a holder of an aquaculture licence for shellfish, shellfish husbandry;
 - (b) for a holder of an aquaculture licence for finfish, finfish husbandry and welfare, veterinary care and disease surveillance practices;
 - (c) biosecurity measures;
 - (d) general emergency measures, including culling or mass stock depopulation practices.
- (2)** In addition to the procedures required by subsection (1), the fish health section of a Farm Management Plan for an aquacultural operation in which trout or salmon is farmed at a marine aquaculture site must include procedures for managing sea lice.
- (3)** The holder of an aquaculture licence for finfish in a marine aquaculture site must submit an updated fish health section of their Farm Management Plan for approval once a year, at a time determined by the Minister.

Environmental monitoring content for finfish in marine aquaculture site

- 10 (1)** For a holder of an aquaculture licence for finfish in a marine aquaculture site, the environmental monitoring section of a Farm Management Plan must include any information and procedures the Minister requires to ensure the effective environmental monitoring of the site, including all of the following:
- (a) processes for measuring oxyc conditions within the boundaries of the site and at any other locations determined by the Minister;
 - (b) the monitoring schedule and associated process for reporting results;
 - (c) sampling locations for each monitoring event;
 - (d) processes for assessing and reporting on the stocking levels associated with monitoring events;
 - (e) a mitigation plan.
- (2)** Any information resulting from the environmental monitoring procedures required by subsection (1) must be submitted by the aquaculture licence holder to the Minister on annual basis, at a time determined by the Minister.

Environmental monitoring content for shellfish and plants in marine aquaculture site

- 11 (1)** For the holder of an aquaculture licence for shellfish or plants in a marine aquaculture site, the environmental monitoring section of a Farm Management Plan must include any information and procedures the Minister requires to ensure the effective environmental monitoring of the site, including all of the following:
- (a) processes for assessing the sub-aquatic land within the boundaries of the site, and any other locations as determined by the Minister;
 - (b) the monitoring schedule and associated process for reporting results;
 - (c) locations for each monitoring event;
 - (d) processes for assessing and reporting stocking levels associated with monitoring events;
 - (e) a mitigation plan.
- (2)** Any information resulting from the environmental monitoring procedures required by subsection (1) must be submitted by the aquaculture licence holder to the Minister on annual basis, at a time determined by the Minister.

Environmental monitoring content for land-based aquaculture site

- 12 (1)** The environmental monitoring section of a Farm Management Plan for a holder of an aquaculture licence for a land-based aquaculture site must include any information and procedures the Minister requires to ensure the effective environmental monitoring of that type of aquacultural operation, including a mitigation plan.
- (2)** Any information resulting from the environmental monitoring procedures required by subsection (1) must be submitted by the aquaculture licence holder to the Minister periodically, at a time determined by the Minister.

Alternative procedures to achieve effective environmental monitoring

- 13** If an aquaculture licence holder establishes to the Minister's satisfaction that not all of the requirements in these regulations are relevant to their aquacultural operation, or that different requirements would be more appropriate to achieve effective environmental monitoring of their aquacultural operation, the Minister may do any of the following:
- (a) waive the requirement for the aquaculture licence holder to provide all of the information and procedures required by these regulations;
 - (b) accept alternative information and procedures proposed by the aquaculture licence holder.

Farm operations content

- 14** The farm operation section of a Farm Management Plan must include any information the Minister requires to ensure the responsible operation of an aquacultural operation, including information and procedures that are consistent with industry best practices relating to all of the following:
- (a) storing and disposing of feed, fuel, lubricants and chemicals;
 - (b) removing and disposing of accumulated refuse and decommissioned farm supplies and equipment;
 - (c) retrieving any gear or debris from the aquacultural operation that has broken loose;

- (d) interactions with wildlife;
- (e) maintaining the site in good order;
- (f) noise.

Containment management content

15 The containment management section of a Farm Management Plan for a holder of an aquaculture licence for finfish in a marine aquaculture site must include information and procedures related to all of the following:

- (a) operating procedures that limit the risk of a breach;
- (b) processes for installing and maintaining infrastructure in place to limit the risk of a breach;
- (c) responses to breaches;
- (d) areas of potential impact if a breach occurs;
- (e) management of the site if unusual events or severe weather occurs;
- (f) schedules for reporting
 - (i) initial farm stocking, and
 - (ii) inventory levels during production;
- (g) proof of a professional engineer's approval of the design of the structures in place for containment management.

Aquaculture Management Areas**Minister may define aquaculture management area**

16 The Minister may establish an area with multiple aquaculture sites as an aquaculture management area for the purpose of managing the health of aquatic animals in the area.

Agreement among multiple licensees in aquaculture management area

- 17 (1)** If the aquaculture sites within an aquaculture management area established under Section 16 are operated by 2 or more aquaculture licence holders, all the aquaculture licence holders within the aquaculture management area must agree among themselves, in writing, to do all of the following:
- (a) share procedures that are required to be carried out under their Fish Health Management Plans;
 - (b) coordinate treatments where applicable;
 - (c) coordinate fallow periods;
 - (d) create communication protocols concerning all fish health issues of common concern.
- (2)** A copy of an agreement required by subsection (1) must be submitted to the Minister annually at a time determined by the Minister.

- (3) If the Minister considers it necessary to better prevent and manage disease, the Minister may require an amendment to any agreement submitted under subsection (2).
- (4) If the aquaculture licence holders within an aquaculture management area fail to agree on any of the requirements in subsection (1), the Minister must determine the requirements and notify the licence holders that they must comply with the Minister's direction.

Disease Surveillance and Reporting

Health records for aquaculture sites

- 18** (1) An aquaculture licence holder must keep health records for the current stock in each of the licence holder's aquaculture sites and must submit the records to the Minister at the Minister's request.
- (2) The Minister may determine the information that an aquaculture licence holder must include in the health records required by subsection (1).

Diagnostic testing by approved laboratory

- 19** (1) In this Section, "approved laboratory" means a laboratory approved by the Minister to conduct diagnostic testing on fish for the purpose of disease surveillance.
- (2) The Chief Aquatic Animal Health Veterinarian may require an aquaculture licence holder to collect and submit samples to an approved laboratory for diagnostic testing.

Mandatory reporting of products used for treatments

- 20** An aquaculture licence holder must report any use of any of the following at their aquacultural operation to the Minister in the manner and at the times determined by the Minister:
- (a) antibiotics;
 - (b) products to treat sea lice.

Mandatory reporting of disease or mortality

- 21** (1) In this Section,

"mass mortality", in relation to fish in an aquaculture site, means

- (i) the death, within a 24-hour period, of fish
 - (A) whose total weight is at least 4000 kg, or
 - (B) whose number is equivalent to at least 2% of the current aquaculture site inventory, or
- (ii) the death, within a 5-day period, of fish
 - (A) whose total weight is at least 10 000 kg, or
 - (B) whose number is equivalent to at least 5% of the current aquaculture site inventory;

"reportable disease" means a disease that the Minister determines must be reported to the Chief Aquatic Animal Health Veterinarian in accordance with subsection (4);

“significant mortality event” means the death of fish at an aquaculture site that results in a daily mortality rate of over 0.05% of the fish in the same holding unit for 3 consecutive days.

- (2) The Minister must post a list of all reportable diseases on the Department’s website.
- (3) The reporting requirements in this Section apply to all of the following persons:
 - (a) an aquaculture licence holder;
 - (b) a member of the personnel of an aquacultural operation;
 - (c) a veterinarian;
 - (d) a member of the personnel of a laboratory.
- (4) A person listed in subsection (3) must immediately report any of the following to the Chief Aquatic Animal Health Veterinarian by telephone, followed by a written report no later than 24 hours after the telephone report:
 - (a) knowledge or suspicion that a fish may have a reportable disease;
 - (b) mass mortality;
 - (c) a significant mortality event of unknown etiology.
- (5) A report under this Section must include the name and contact information of the person who is making the report together with all of the following information, if available, about the aquaculture site and fish that are the subject of the report:
 - (a) all of the following information about the aquacultural operation:
 - (i) name of the aquaculture licence holder,
 - (ii) license or lease number,
 - (iii) location of the site, including the address,
 - (iv) holding unit number infected or suspected to be infected;
 - (b) the species, age and number of fish in the holding unit;
 - (c) the presumptive diagnosis;
 - (d) clinical signs of disease in the affected fish;
 - (e) the mortality rate.

Managing Outbreaks of Disease

Outbreak of disease

22 For the purposes of Sections 23 and 24, an outbreak of disease is the presence of disease that, in the opinion of the Chief Aquatic Animal Health Veterinarian, requires extraordinary means for control.

Authority during outbreak

- 23** If the Chief Aquatic Animal Health Veterinarian suspects or considers a situation to be an outbreak of disease, the Chief Aquatic Animal Health Veterinarian or veterinary administrator may
- (a) with respect to each aquaculture site where the disease was reported, do any of the following:
 - (i) take samples of the fish, other organisms or water,
 - (ii) undertake an epidemiological investigation,
 - (iii) order the treatment of a group of fish,
 - (iv) order the vaccination of a group of fish,
 - (v) order that no fish be moved to or from the site,
 - (vi) require the aquaculture licence holder to take enhanced biosecurity measures;
 - (b) for the purpose of inspecting or examining fish to determine whether the fish are infected with a disease, do any of the following:
 - (i) stop and inspect any vehicle, including the vehicle's load, in which the Chief Aquatic Animal Health Veterinarian or veterinary administrator believes fish are being or have been transported,
 - (ii) inspect each aquaculture site where the fish originated or to which a disease causing agent may have spread.

Minister may make quarantine order

- 24** (1) The Minister may make an order designating any aquaculture site or any other area where an outbreak of disease is known or suspected as a quarantine area.
- (2) A quarantine order may include any conditions or restrictions with respect to the quarantine area that the Minister considers necessary or advisable in the circumstances, including biosecurity measures.

Serving quarantine order

- 25** A quarantine area order must be served on each holder of an aquaculture licence for an aquaculture site within the quarantine area.

Minister may order slaughter, destruction or disposal

- 26** (1) The Minister may order the slaughter, destruction or disposal of any fish in a quarantine area.
- (2) Nothing in these regulations imposes an obligation on the Minister to pay compensation for any fish slaughtered, destroyed or disposed of under an order under subsection (1).

Disease management measures for quarantine area

- 27** (1) The Chief Aquatic Animal Health Veterinarian may specify disease management measures required for complying with a quarantine order, including any of the following:
- (a) controlling the movement of any fish or thing into or out of the quarantine area;
 - (b) slaughtering, destroying or disposing of any fish in the quarantine area, as ordered under

Section 26;

- (c) operating a disinfection station at the entrance to and exit from any aquaculture site in the quarantine area;
 - (d) disinfecting any thing in the quarantine area;
 - (e) eradicating the disease or disease causing agents in the quarantine area;
 - (f) establishing a fallow period for the quarantine area;
 - (g) preventing the spread of the disease or disease-causing agents out of or into the quarantine area.
- (2) An aquaculture licence holder whose aquaculture site is the subject of a quarantine order must provide to the Chief Aquatic Animal Health Veterinarian, for approval, written incident-specific information indicating how they will take any disease management measures specified under subsection (1).

Testing and sampling restocked fish in quarantine area

- 28 (1) The Chief Aquatic Animal Health Veterinarian may require an aquaculture licence holder whose aquaculture site is subject to a quarantine order to complete specified testing of newly stocked fish within a specified period of time after the date the site is restocked.
- (2) The Chief Aquatic Animal Health Veterinarian or veterinary administrator may collect samples of newly stocked fish for testing.

Consequences of non-compliance

- 29 (1) If the Minister believes, on reasonable grounds, that a quarantine order, a disease management requirement under Section 27 or a requirement for testing under Section 28 has not been complied with, the Chief Aquatic Animal Health Veterinarian or veterinary administrator may enter any place in the quarantine area and take or cause to be taken any steps they consider necessary to accomplish the following:
- (a) ensure compliance with the order or requirement;
 - (b) remedy the consequences of the failure to carry out the order or requirement.
- (2) The Minister may recover any expenses reasonably incurred in taking steps under subsection (1) from the person who failed to comply with the quarantine order or the requirement.

Environmental Monitoring Management

Requirements for stocking

- 30 (1) In this Section, “baseline assessment” means environmental monitoring procedures carried out at an aquaculture site to record, for the purpose of future comparison, the state of environmental conditions that prevail without aquacultural produce at the site.
- (2) Before the initial stocking or restocking of an aquaculture site, an aquaculture licence holder must obtain the Minister’s approval for the proposed stocking level as being supported by either the baseline assessment of the site or by environmental monitoring results.

Updating mitigation plan

- 31** (1) If poor environmental performance is determined through monitoring, an aquaculture licence holder must update their mitigation plan to address the poor environmental performance and submit the updated plan for the Minister's approval.
- (2) An aquaculture licence holder must implement an updated mitigation plan approved under subsection (1) within the timeframe determined by the Minister.

Oxic conditions remediation requirements

- 32** (1) A holder of an aquaculture licence for finfish in a marine aquaculture site must conduct their aquacultural operation in a manner that maintains oxic conditions that indicate that sufficient oxygen is present within the boundaries of their site.
- (2) If monitoring results indicate that the oxic conditions referred to in subsection (1) are not maintained, an aquaculture licence holder must do all of the following:
- (a) conduct follow up (level II) monitoring no later than 35 days after obtaining the monitoring results;
 - (b) submit the results of the follow up (level II) monitoring conducted under clause (a), along with an updated mitigation plan, no later than 14 days after conducting the monitoring, for the Minister's approval.
- (3) In addition to the requirements in subsection (2), the aquaculture licence holder must take any action at the aquaculture site required by the Minister to reduce environmental impact, including any of the following:
- (a) expediting the harvest program;
 - (b) extending a fallow period;
 - (c) limiting approved stocking levels;
 - (d) adjusting the site layout.

Containment Management Monitoring**Mandatory notification to Department of breach**

- 33** (1) A holder of an aquaculture licence for finfish in a marine aquaculture site must conduct their aquacultural operation in a manner that is designed to prevent breaches.
- (2) A holder of an aquaculture licence for finfish in a marine aquaculture site or any personnel of their aquacultural operation who know or suspect a breach must immediately notify the Department in the manner determined by the Minister and in accordance with subsection (3).
- (3) A notice required by subsection (2) must include any information the Minister requires to ensure that the suspected or confirmed breach is remedied, including all of the following information:
- (a) name and contact information of the individual who is making the report;
 - (b) suspected date of the breach;
 - (c) all of the following information about the aquacultural operation:

- (i) name of the aquaculture licence holder,
 - (ii) ~~license~~ [licence] or lease number,
 - (iii) address of the site,
 - (iv) holding unit number where the suspected or confirmed breach occurred;
- (d) species and approximate age, size, and weight of the fish that escaped;
- (e) approximate number of fish in the holding unit where the suspected or confirmed breach occurred;
- (f) freshwater place of origin of the fish that escaped;
- (g) level of the suspected or confirmed breach;
- (h) suspected or confirmed cause of the breach;
- (i) any mitigation efforts that have been undertaken, are in progress or are proposed.

Third-party audit of containment management section required

34 The containment management section of a Farm Management Plan must be audited at all of the following times by a third party approved by the Minister:

- (a) before the initial stocking of an aquaculture site;
- (b) at least once a year for all stocked aquaculture sites;
- (c) no later than 30 days after the date that a breach of more than 50 fish is reported;
- (d) when 1 or more cultured Atlantic Salmon are found in a river, for all aquaculture licence holders who have identified the river in their containment management section as being potentially affected by a breach other than aquaculture licence holders who have an approved marking plan that verifies the fish are not part of their operation;
- (e) no later than 12 months after the date these regulations come into force, for a person who holds an aquaculture licence for finfish in a marine aquaculture site on the date these regulations come into force.

Report to Minister on third-party audit of containment management section

35 (1) A report on the results of a third-party audit of the containment management section of a Farm Management Plan must be submitted to the Minister no later than the following dates:

- (a) for an audit required by clause 34(a), (b) or (e), 30 days after the date the audit is completed;
- (b) for an audit required by clause 34(c) or (d), 15 days after the date that the audit is completed.

(2) A report required by subsection (1) must include any corrective actions taken in response to the results of the audit.

Adopted federal containment management procedures

36 (1) If requirements that are more stringent than the requirements for containment management in these

regulations are established under the laws of Canada, the Minister may adopt and impose those requirements on aquaculture licence holders.

- (2) The Minister must notify all affected aquaculture licence holders before imposing any requirements under subsection (1).

Audits of Farm Management Plans

Appointment of aquaculture management specialist

37 The Minister may appoint a person as an aquaculture management specialist to audit the implementation of a Farm Management Plan at an aquacultural operation.

When audit may be conducted

38 An aquaculture management specialist, the Chief Aquatic Animal Health Veterinarian, or a veterinary administrator may audit an aquacultural operation's Farm Management Plan at any time.

Powers of auditor

39 As part of an audit under Section 38, an auditor may do any of the following:

- (a) enter and inspect any aquaculture site or any other facility or location that the Farm Management Plan applies to;
- (b) accompany individuals who are collecting or analyzing samples;
- (c) accompany individuals who are inspecting equipment or gear;
- (d) observe and document the procedures used in collecting or analyzing samples;
- (e) collect samples of any substance for examination and analyses;
- (f) examine or test equipment and materials;
- (g) require production of written and electronic copies of procedures, records or documents that they believe contain information related to the Farm Management Plan, and examine and make copies of them.

Records, Reports and Release of Information

Records to be kept by aquaculture licence holder

- 40** (1) An aquaculture licence holder must keep all records relating to their Farm Management Plan at their place of business.
- (2) A record referred to in subsection (1) must be kept for at least 7 years from the date the record is created or updated.

Reports on records

41 An aquaculture licence holder must submit reports relating to the records required by these regulations at times determined by the Minister, or on the request of the Minister or the Minister's designate.

Certificate of Health for Transfer

Obtaining certificate

42 (1) In this Section and in Sections 43 and 44, "certificate of health for transfer" means a certificate

issued by the Minister that authorizes an aquaculture licence holder to move fish to or from an aquaculture site.

- (2) An aquaculture licence holder must comply with any conditions set by the Minister for issuing a certificate of health for transfer.
- (3) A certificate of health for transfer must be in the form approved by the Minister.

Certificate required for transfer

43 Effective as of 18 months after the date these regulations come into force, an aquaculture licence holder must ensure that a certificate of health for transfer accompanies each group of live fish that is being moved to or from their aquaculture site.

Certificate kept and produced on request

- 44 (1)** An aquaculture licence holder must keep a copy at their aquacultural operation of each certificate of health for transfer for fish that have been moved to or from their aquaculture site.
- (2) An aquaculture licence holder must produce a copy of any certificate of health for transfer for any specified group of fish in the time and manner specified in a request by the Chief Aquatic Animal Health Veterinarian or a person designated by the Minister.

N.S. Reg. 349/2015

Made: October 23, 2015

Filed: October 26, 2015

Summary Offence Tickets Regulations—amendment

Order dated October 23, 2015

Amendment to regulations made by the Attorney General and Minister of Justice pursuant to Section 8 of the *Summary Proceedings Act*

I, Diana Whalen, Attorney General and Minister of Justice for the Province of Nova Scotia, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, hereby

- (a) amend the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, to designate certain offences under the *Fisheries and Coastal Resources Act* and its regulations as summary offence ticket offences, in the manner set forth in the attached Schedule “A”; and
- (b) order and direct that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, as set forth in the attached Schedule “A”, is the amount of the out-of-court settlement set out opposite the description of that offence, and the out-of-court settlement amount includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

Except as provided below, this Order is effective on and after the date that Chapter 19 of the Acts of 2015, *An Act to Amend Chapter 25 of the Acts of 1996, the Fisheries and Coastal Resources Act, Respecting Aquaculture*, comes into force.

Items 23 through 25 under the heading “Aquaculture Management Regulations” in Schedule 42A to the regulations as set out in Schedule “A” are effective as of 18 months after the date that the *Aquaculture*

Management Regulations under the *Fisheries and Coastal Resources Act* come into force.

Dated and made October 23, 2015, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

sgd: *Diana Whalen*
Honourable Diana Whalen
Attorney General and Minister of Justice

Schedule "A"

**Amendment to the *Summary Offence Tickets Regulations*
made by the Attorney General and Minister of Justice pursuant to Section 8
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

The *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, are amended by adding the following Schedules immediately after Schedule 41A:

Schedule 42 *Fisheries and Coastal Resources Act*

Offence	Section	Out of Court Settlement
1 Carrying on aquaculture without aquaculture licence	44(1)	\$2997.50
2 Carrying on aquaculture on Crown Land without aquaculture licence and aquaculture lease	44(2)	\$5872.50
3 Knowingly providing false or misleading information	110(a)	\$697.50
4 Providing false or misleading information	110(b)	\$352.50
5 Failing to provide information	110(c)	\$237.50
6 Hindering or obstructing inspector	110(d)	\$697.50
7 Knowingly contravening order	110(e)	\$1272.50
8 Contravening Act or regulations	110(f)	\$352.50
9 Failing to comply with term or condition of aquaculture licence or aquaculture lease	116(1)	\$467.50

Schedule 42A *Regulations under the Fisheries and Coastal Resources Act*

Offence	Section	Out of Court Settlement
Aquaculture Licence and Lease Regulations		
1 Holder of aquaculture licence for u-fish pond processing and selling aquacultural produce from u-fish pond	45(2)	\$352.50
2 Failing to mark site (specify site number) as required	55(1)	\$237.50

3	Failing to keep site (specify site number) marked during term of licence as required	55(1)	\$237.50
4	Failing to ensure that equipment remains within geographic boundaries of site (specify site number)	55(2)	\$237.50
5	Failing to ensure that aquacultural produce remains within geographic boundaries of site (specify site number)	55(2)	\$237.50
6	Failing to ensure security bond in place for aquaculture site under licence until certificate of discharge issued	56(1)	\$352.50
7	Beginning aquacultural operation before security bond approved	56(2)	\$237.50
8	Person carrying out aquacultural operation under existing aquaculture licence failing to provide proof of security bond no later than 18 months after date regulations come into force	56(3)	\$237.50
9	Failing to maintain current and accurate records	58(1)	\$237.50
10	Failing to retain record as required	58(2)	\$180.00
11	Failing to provide Minister or designate (specify) with information specified in request in manner requested	58(3)	\$237.50
12	Failing to provide Minister or designate (specify) with information specified in request within time period specified in request	58(3)	\$180.00
13	Failing to provide information required by the Minister in annual report to Minister	58(4)	\$237.50
14	Failing to submit annual report to Minister at time determined by Minister	58(4)	\$180.00
15	Former aquaculture licence holder or aquaculture licence holder (specify) failing to obtain certificate of discharge from Administrator	60(1)	\$352.50

Aquaculture Management Regulations

1	Failing to submit Farm Management Plan at required time	5(1)	\$295.00
2	Failing to adhere to procedures contained in Farm Management Plan	8	\$467.50
3	Failing to keep records that verify adherence to procedures	8(a)	\$237.50
4	Failing to keep records that demonstrate effective action taken at critical control points	8(b)	\$237.50
5	Failing to keep health records for current stock (specify site number)	18(1)	\$237.50
6	Failing to submit health records for current stock (specify site number)	18(1)	\$180.00
7	Failing to report use of antibiotic or sea lice treatment product (specify) at aquacultural operation as required	20	\$410.00
8	Failing to immediately report as required	21(4)	\$237.50
9	Failing to provide written report within 24 hours	21(4)	\$237.50
10	Failing to include required information in written report	21(5)	\$180.00
11	Failing to provide information on disease management measures required for complying with quarantine order	27(2)	\$352.50
12	Failing to obtain Minister's approval for proposed stocking level before initial stocking or restocking (specify) of aquaculture site	30(2)	\$927.50
13	Failing to submit updated mitigation plan to address poor environmental performance	31(1)	\$410.00
14	Failing to conduct follow up monitoring no later than 35 days after obtaining results indicating required oxic conditions not maintained	32(2)(a)	\$352.50

15	Failing to submit results of follow up monitoring and mitigation plan no later than 14 days after conducting monitoring	32(2)(b)	\$237.50
16	Failing to take action required by Minister to reduce environmental impact	32(3)	\$1272.50
17	Holder of aquaculture licence for finfish in marine aquaculture site failing to conduct aquacultural operation in manner designed to prevent breaches	33(1)	\$467.50
18	Holder of finfish aquaculture licence or personnel of aquacultural operation (specify) failing to notify Department of known or suspected breach	33(2)	\$410.00
19	Holder of aquaculture licence for finfish in marine aquaculture site failing to submit report on results of third-party audit no later than required date (specify date)	35(1)	\$237.50
20	Holder of aquaculture licence for finfish in marine aquaculture site failing to include corrective actions taken in report on results of third-party audit	35(1)	\$352.50
21	Failing to keep all Farm Management Plan records at place of business	40(1)	\$237.50
22	Failing to keep Farm Management Plan record for at least 7 years from date created or updated	40(2)	\$180.00
23	Failing to ensure that certificate of health for transfer accompanies group of live fish being moved to or from aquaculture site	43	\$927.50
24	Failing to keep copy of certificate of health for transfer at aquacultural operation	44(1)	\$237.50
25	Failing to produce copy of certificate of health for transfer requested by Chief Aquatic Animal Health Veterinarian or Minister's designate (specify) in time and manner specified in request	44(2)	\$237.50

N.S. Reg. 350/2015

Made: October 30, 2015

Filed: October 30, 2015

Special Operating Agency Designation—Nova Scotia Home for Colored Children Special Operating Agency

Order in Council 2015-343 dated October 30, 2015

Designation made by Governor in Council
pursuant to Section 16 of the *Public Service Act*

The Governor in Council on the report and recommendation of the President of the Executive Council dated October 20, 2015, and pursuant to Section 16 of Chapter 376 of the Revised Statutes of Nova Scotia, 1989, the *Public Service Act*, is pleased to:

- (a) designate a special operating agency in accordance with the Nova Scotia Home for Colored Children Restorative Inquiry and the Terms of Reference, to be known as the Nova Scotia Home for Colored Children Special Operating Agency, effective October 30, 2015; **[N.S. Reg. 350/2015]**
- (b) establish the Operating Charter for the Nova Scotia Home for Colored Children Special Operating Agency in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective October 30, 2015. **[Clause (b) not filed as a regulation.]**

N.S. Reg. 351/2015

Made: October 29, 2015

Filed: October 30, 2015

Petroleum Products Prices

Order dated October 29, 2015
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**NSUARB-GAS-W-15-49****In the matter of the *Petroleum Products Pricing Act*****- and -**

**In the matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Roberta J. Clarke, Q.C., Member

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended October 28, 2015, are:

Grade 1 Regular gasoline	47.5¢ per litre
Ultra-low-sulfur diesel oil	50.1¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:

Grade 1	47.5¢ per litre
Grade 2	50.5¢ per litre
Grade 3	53.5¢ per litre
Ultra-low-sulfur diesel oil	50.1¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	minus 0.5¢ per litre
Ultra-low-sulfur diesel oil:	minus 0.4¢ per litre

And whereas a winter blending adjustment of plus 6.2¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., October 30, 2015.

Dated at Halifax, Nova Scotia, this 29th day of October, 2015.

sgd: Elaine Wagner
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on October 30, 2015**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices (Pump Prices includes 15% HST)		Full-Service Pump Prices	
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	54.1	10.0	15.5	79.6	97.1	99.1	97.1	999.9
Mid-Grade Unleaded	57.1	10.0	15.5	82.6	100.5	102.6	100.5	999.9
Premium Unleaded	60.1	10.0	15.5	85.6	104.0	106.0	104.0	999.9
Ultra-Low-Sulfur Diesel	63.0	4.0	15.4	82.4	100.3	102.4	100.3	999.9
Zone 2								
Regular Unleaded	54.6	10.0	15.5	80.1	97.6	99.7	97.6	999.9
Mid-Grade Unleaded	57.6	10.0	15.5	83.1	101.1	103.2	101.1	999.9
Premium Unleaded	60.6	10.0	15.5	86.1	104.5	106.6	104.5	999.9
Ultra-Low-Sulfur Diesel	63.5	4.0	15.4	82.9	100.9	102.9	100.9	999.9
Zone 3								
Regular Unleaded	55.0	10.0	15.5	80.5	98.1	100.2	98.1	999.9
Mid-Grade Unleaded	58.0	10.0	15.5	83.5	101.5	103.6	101.5	999.9
Premium Unleaded	61.0	10.0	15.5	86.5	105.0	107.1	105.0	999.9
Ultra-Low-Sulfur Diesel	63.9	4.0	15.4	83.3	101.3	103.4	101.3	999.9
Zone 4								
Regular Unleaded	55.1	10.0	15.5	80.6	98.2	100.3	98.2	999.9
Mid-Grade Unleaded	58.1	10.0	15.5	83.6	101.7	103.7	101.7	999.9
Premium Unleaded	61.1	10.0	15.5	86.6	105.1	107.2	105.1	999.9
Ultra-Low-Sulfur Diesel	64.0	4.0	15.4	83.4	101.4	103.5	101.4	999.9
Zone 5								
Regular Unleaded	55.1	10.0	15.5	80.6	98.2	100.3	98.2	999.9
Mid-Grade Unleaded	58.1	10.0	15.5	83.6	101.7	103.7	101.7	999.9
Premium Unleaded	61.1	10.0	15.5	86.6	105.1	107.2	105.1	999.9
Ultra-Low-Sulfur Diesel	64.0	4.0	15.4	83.4	101.4	103.5	101.4	999.9
Zone 6								
Regular Unleaded	55.8	10.0	15.5	81.3	99.0	101.1	99.0	999.9
Mid-Grade Unleaded	58.8	10.0	15.5	84.3	102.5	104.5	102.5	999.9
Premium Unleaded	61.8	10.0	15.5	87.3	105.9	108.0	105.9	999.9
Ultra-Low-Sulfur Diesel	64.7	4.0	15.4	84.1	102.2	104.3	102.2	999.9

N.S. Reg. 352/2015

Made: October 27, 2015

Filed: November 3, 2015

Polling Districts and Number of Councillors Order: Municipality of the County of Victoria

Order dated October 27, 2015
made by the Nova Scotia Utility and Review Board
pursuant to Section 369 of the *Municipal Government Act*

Order**M06630****Nova Scotia Utility and Review Board****In the matter of the *Municipal Government Act*****- and -**

In the matter of an application by the **Municipality of the County of Victoria** to confirm the number of councillors and to alter the boundaries of polling districts

Before: Roland A. Deveau, Q.C., Vice-Chair
David J. Almon, Member
Murray E. Doehler, CA, P.Eng., Member

An application having been made by the Municipality of the County of Victoria pursuant to s. 369 of the *Municipal Government Act* and the Board having issued its written decision on April 29, 2015;

Whereas the Board approved the proposed changes to the polling district boundaries, as described in its decision, and confirmed the number of polling districts and councillors;

And whereas the Municipality filed descriptions for the revised polling districts on August 17, 2015;

It is hereby ordered that:

1. The number of councillors and polling districts is confirmed at 8;
2. The descriptions of the eight polling districts are set out in Schedule "A", attached to and forming part of this Order;

And it is further ordered that all provisions of the *Municipal Government Act* and the *Municipal Elections Act* and any other Acts of the Province of Nova Scotia applying to the preparation for and holding of the regular election of councillors of the Municipality in the year 2016 will be complied with as if the above-noted changes had been made on the first day of March, 2016, but for all other purposes, such changes shall take effect on the first day of the first meeting of the Council after the election of councillors for the year 2016.

Dated at Halifax, Nova Scotia this 27th day of October, 2015.

sgd: *Bruce Kiley*
Clerk of the Board

Schedule "A"District 1

Iona Peninsula, communities of Bucklaw and Wagma[t]cook and Nyanza to the Buckwheat Road intersection on the north of the TCH (Trans Canada Highway) and to the Baddeck River bridge on the south side of the TCH.

District 2

Westside Middle River, Yankee Line and Middle River to county line. Big Baddeck including residents along the Buckwheat Road and along the north side of the TCH from the Buckwheat Road east to the point where districts two, three and four intersect. On the south side of the TCH from the Baddeck River bridge east to just before civic address 8261.

District 3

Starting at civic address 8261 on the TCH east along the shores of the Bras d'Or Lakes to the Bell Museum pond at the eastern end of the Village of Baddeck. Northeast between Mile Brook and the western boundary of Bell Bay Golf [Club] to the TCH. From that point west along the southern boundary of TCH to point of beginning.

District 4

Beginning at the Bell Museum pond, northeast to TCH along district three boundary then both sides of TCH east to Seal Island bridge including Baddeck Bay, Big Harbour, Englishtown, New Campbellton and New Harris. Exit 11 on TCH north to the foot of Cape Smokey including River Bennet and Jersey Cove.

District 5

Victoria Country portion of Boularderie Island.

District 6

Foot of Smokey north along the Cabot Trail to the Ingonish United Church on the north and the Seascape Cottages on the south.

District 7

Ingonish United Church north to Effies Brook including Neil's Harbour, New Haven, White Point, Smelt Brook.

District 8

All of Victoria County north of Effies Brook.