

Adjudicative Process for Aquaculture Licence and Lease Applications

The Province of Nova Scotia is committed to an open and transparent aquaculture licensing and leasing process that provides opportunity for public and stakeholder participation. To learn about specific proposals and/or applications under review by the Department of Fisheries and Aquaculture, visit novascotia.ca/fish/aquaculture/public-information/.

What type of applications use this process?

The process described below is for aquaculture applications in marine areas for new sites, expansions to existing sites and the addition of finfish species to sites not currently approved to produce finfish. This document provides an overview of the entire process from the time an initial request is submitted to the Department of Fisheries and Aquaculture until a decision is made by the independent Nova Scotia Aquaculture Review Board.

PHASE 1 – PROPONENT SCOPING PHASE

STEP 1: REQUEST SUBMITTED TO DEPARTMENT OF FISHERIES AND AQUACULTURE

A proponent submits a proposal for an option to lease in the area they would like to develop. This means a company is requesting permission to explore a potential location for aquaculture. The request must include the species to be farmed, potential location, industry experience and a business plan. In the case of an amendment, the proponent submits a request to amend the existing site. The Department reviews the request and decides whether to allow the proponent to explore the location. Approving a request to explore a location does not allow a company to begin farming or, in the case of an amendment, enable them to make changes to existing operations.

STEP 2: INFORMATION COLLECTION

If approved, the company has up to six (6) months to explore a potential location and submit an application. During this time, the company: shares information with local stakeholders about what is being farmed, how the site would be designed and managed; gathers biophysical and other information about the area they propose to lease; and receives feedback to shape their plans. The company must host at least one public meeting near the potential site location to hear from the community.

PHASE 2 – REVIEW PHASE

STEP 3: APPLICATION TO THE DEPARTMENT FOR A LICENCE AND LEASE

Once the scoping phase is complete, the proponent may submit an application to the Department. A submitted application must include an application form, a development plan and a scoping report that includes the results of information collected at the location and through engagement with the community. The company may apply for more than one site in a potential location.

STEP 4: REVIEW OF APPLICATION FOR LICENCE AND LEASE

Department staff review the application to make sure it provides all the documentation required, including the results of public engagement from the scoping phase.

The Department can request additional information from the applicant if they believe it is needed.

The application will be shared with the necessary federal and provincial departments for their input. Consultations with First Nations may be required depending on the nature of the proposal. The Department will then submit the completed application to the Nova Scotia Aquaculture Review Board for review and decision.

PHASE 3 – DECISION PHASE

STEP 5: NOVA SCOTIA AQUACULTURE REVIEW BOARD PROCESS

The Nova Scotia Aquaculture Review Board will hold a public hearing on the application in a community close to the potential site. The date of the hearing will be published at least 60 days before the hearing. Members of the public can submit written comments or request to speak at a hearing and they may apply to be an intervenor at a hearing. Intervenor status will be granted to those who clearly demonstrate they are substantially and directly affected by the application. **Submissions from members of the public are not accepted prior to the notice of the hearing being published.**

STEP 6: NOVA SCOTIA AQUACULTURE REVIEW BOARD DECISION

The Nova Scotia Aquaculture Review Board has 30 days after the public hearing to decide on an application. The Board can approve, approve with conditions or reject the application. The Board's decision will be posted publicly on the Department of Fisheries and Aquaculture and Nova Scotia Aquaculture Review Board websites and can be appealed up to 30 days after it is made. The Department must implement the decision of the Nova Scotia Aquaculture Review Board.

For more information on the Nova Scotia Aquaculture Review Board and its processes, visit arb.novascotia.ca

The regulations for aquaculture licencing and leasing and aquaculture management can be found at novascotia.ca/fish/aquaculture/laws-regs/