



**INLAND AQUACULTURE LICENCE
APPLICATION GUIDE**

**Department of Agriculture and Aquaculture
August 2009**

TABLE OF CONTENTS

INTRODUCTION.....	1
SECTION 1 - THE AQUACULTURE APPLICATION FORM.....	1
1.1 APPLICANT INFORMATION.....	1
1.2 CLASSES OF LICENCES AND AQUACULTURE ACTIVITIES.....	2
1.3 EXISTING/PREVIOUS APPROVALS FOR THE AQUACULTURE INSTALLATIONS.....	2
1.4 LOCATION OF AQUACULTURE SITE.....	2
1.4.1 Location.....	2
1.4.2 Topographic map.....	2
1.5 DESCRIPTION OF FACILITY.....	2
1.5.1 Diagram of the facility and requested information.....	2
1.5.2 Detailed sketch for Rainbow trout installations.....	2
1.6 WATER SOURCE INFORMATION.....	3
1.6.1 Sources of water.....	3
1.6.2 Groundwater source.....	3
1.6.3 Other users of the water system for the proposed aquaculture facility.....	3
1.7 STOCK IDENTIFICATION.....	3
1.7.1 Species and supplier.....	3
1.7.2 Information concerning Rainbow trout.....	3
1.7.3 Maximum production.....	3
1.8 APPLICANT SIGNATURE AND SUBMISISON OF THE APPLICATION.....	4
SECTION 2 - SUPPLYING FALSE INFORMATION.....	4
SECTION 3 - ENVIRONMENT APPROVALS.....	4
3.1 ENVIRONMENT LEGISLATION.....	4
3.2 DEPARTMENT OF ENVIRONMENT CONTACT.....	4
3.3 CLEAN ENVIRONMENT ACT.....	4
3.3.1 Environmental Impact Assessment Regulation.....	4
3.3.2 Water Quality Regulation.....	4
3.4 CLEAN WATER ACT.....	4
3.4.1 Watercourse Alteration Regulation.....	4
3.4.2 Ground water source approval.....	5

SECTION 4 - FISH PROCESSING APPROVALS	5
4.1 PROVINCIAL LEGISLATION	5
4.1.1 <i>Fish Processing Act</i>	5
4.1.2 <i>Fish Inspection Act</i>	5
4.2 FEDERAL LEGISLATION	6
SECTION 5 - THE APPLICATION REVIEW PROCESS.....	6
5.1 REGIONAL OFFICE	6
5.2 REGISTRAR OF AQUACULTURE.....	6
5.3 INTERAGENCY REVIEW	6
5.4 RAINBOW TROUT LICENSING COMMITTEE	6
5.5 APPLICATION DECISIONS	6
SECTION 6 - SITE OPERATIONS.....	7
6.1 COMPLIANCE WITH ZONING BY-LAWS AND PROVINCIAL REGULATIONS	7
6.2 VIOLATIONS	7
SECTION 7 - FEES.....	7
7.1 AQUACULTURE LICENCE APPLICATION FEE	7
7.2 ANNUAL AQUACULTURE LICENCE FEES.....	7
APPENDIX 1 - SAMPLE DIAGRAM SHOWING A SITE LAYOUT	i
APPENDIX 2- DEPARTMENT OF AGRICULTURE AND AQUACULTURE REGIONAL OFFICES	ii

INTRODUCTION

This guide has been prepared to assist you with the completion of an aquaculture licence application for aquaculture activities located on land or in non-tidal waters. Examples of inland aquaculture sites include hatcheries, trout ponds, as well as grow out operations in non-tidal waters.

In situations where the development of an inland site is proposed on provincial Crown Lands, an aquaculture lease and licence will be required. A separate guide has been prepared for applications of this nature.

Aquaculture in New Brunswick is regulated under the *Aquaculture Act* and the New Brunswick Regulation 91-158 under the *Aquaculture Act*. Copies of the Act and Regulation may be obtained for a nominal fee by contacting the Queen's Printer, P.O. Box 6000, Fredericton, N.B., E3B 5H1 or by calling (506) 453-2520.

Aquaculture, as defined in the *Aquaculture Act* means "the cultivation of aquatic plants and animals, but does not include the cultivation of aquatic plants and animals in a laboratory for experimental purposes or in an aquarium".

An aquaculture licence is required to undertake the culture of aquatic species in New Brunswick. The licence provides the authority to conduct aquaculture at a specific site in accordance with the *Aquaculture Act* and Regulation and the terms and conditions outlined in the licence. The licence will also specify the species authorized for cultivation.

This guide has been prepared in consultation with the provincial Department of Environment, as the proposed activity may be subject to approvals required pursuant to the *Clean Environment Act* and the *Clean Water Act*. The guide contains a section specifically addressing approvals that may be required under the noted legislations.

Please note that applications for rainbow trout are subject to the New Brunswick Rainbow Trout Aquaculture Policy. Any applicant wishing to culture rainbow trout should obtain a copy of the policy in order to verify the criteria and restrictions for rainbow trout culture in New Brunswick. A copy of the New Brunswick Rainbow Trout Aquaculture Policy can be obtained at your Regional Office of the Department of Agriculture and Aquaculture.

If further assistance or more detailed information is needed, help is available simply by contacting a Regional Office of the Department of Agriculture and Aquaculture:

East Coast Region

100, Aquarium Street
Shippagan, N.B.
E8S 1H9

Tel: (506) 336-3751
Fax: (506) 336-3057

26 Acadie Street
Bouctouche, NB
E4S 2T2

Tel: (506) 743-7330
Fax: (506) 743-7229

Fundy Region

107 Mount Pleasant Road
St. George, N.B.
E5C 3S9

Tel: (506) 755-4000
Fax: (506) 755-4001

SECTION 1 - THE AQUACULTURE APPLICATION FORM

1.1 APPLICANT INFORMATION

This section references general information on the applicant. It should be noted that the applicant name will be company or individual(s) to whom the aquaculture licence will be issued. For corporate applications, the applicant is required to provide a copy of the Certificate of Incorporation, which should be attached to the application.

If you wish to have someone act on your behalf as your agent, such as a lawyer, an accountant, or a consultant, then you should provide the necessary details. Once the applicant signs the application form and an agent is named, all negotiations will be conducted with the agent until directed otherwise in writing by the applicant.

NOTE: Section 1.4.3 "Property Ownership" should be referenced prior to identifying the applicant on the application form.

1.2 CLASSES OF LICENCES AND AQUACULTURE ACTIVITIES

1.2.1 Classes of licences

Outlined below are classes of aquaculture licences for inland aquaculture operations.

"Private aquaculture licence" means a class of aquaculture licence that authorizes a licensee to carry on aquaculture for private use and not for commercial gain.

"Commercial aquaculture licence" means a class of aquaculture licence that permits a licensee to conduct aquaculture for commercial gain.

"Institutional aquaculture licence" means a class of aquaculture licence that permits a licensee to conduct aquaculture for research outside a laboratory or an aquarium, or for use in public fishery enhancement activities, and not for the purpose of commercial gain.

Based on the definitions noted here please ensure that the application form reflects the appropriate class of licence that you wish to apply for.

1.3 EXISTING/PREVIOUS APPROVALS FOR THE AQUACULTURE INSTALLATIONS

This section applies to installations or works, related to the aquaculture activity to be licensed, which have been approved by the Department of Environment (ex: digging of a pond, intake/outlet structures in/near a watercourse, etc.). If applicable, please provide the requested information.

In the event work previously approved under the expired Watercourse Alteration Permit has changed a new application for a Watercourse Alteration Permit must be completed. Applications may be obtained from any of office of the Department of Agriculture and Aquaculture or Environment offices listed in this guide.

1.4 LOCATION OF AQUACULTURE SITE

1.4.1 Location

The location of the site must be identified on the application form. This should include the town or community where the site is located, the parish and county. The road/street that is used to access the

aquaculture site and the Property Identification Number (PID) of the property at which the aquaculture is to be carried on must also be provided.

For the culture of rainbow trout, the rainbow trout culture zone where the site is located must be specified.

1.4.2 Topographic map

A copy of the applicable section of a topographic map, with the location of the site must be provided. Copies of the noted maps are available from any of the Regional Offices of the Department of Agriculture and Aquaculture or SNB offices. Should you prefer to obtain a map, for a nominal fee, a map may be obtained from:

Services New Brunswick
Registry and Mapping
432 Queen Street
P.O. Box 1998
Fredericton, N.B. E3B 5G4
or by calling
(506)-453-3390

1.4.3 Property ownership status

The applicant must be the owner or lessee of the aquaculture site. Please check the appropriate box which describes your situation. If the property is leased, then a copy of the lease agreement must be attached.

1.5 DESCRIPTION OF FACILITY

1.5.1 Diagram of the facility and requested information

A diagram drawn to scale which outlines the site lay out is required. The completion of the plan by a professional is not required provided it is drawn in ink and contains all the information requested in section 1.5.1 of the application form. This diagram is essential for the review of the application by the Department of Environment. A sample diagram is located in Appendix 1 of this guide (incomplete sketches will be returned).

1.5.2 Detailed sketch for Rainbow trout installations

If applying for rainbow trout then a detailed sketch of the proposed containment system is required. This sketch should detail all containment measures that will be put in place in order to prevent

escapement and should indicate where the various containment system components will be situated on site. The sketch must demonstrate how the site will meet the containment standards outlined in Appendix B of the N.B. Rainbow Trout Aquaculture Policy. The sketch must be in ink and drawn to scale. The sketch should also contain the information outlined in section 1.5.1 of the application form. This information is essential for the review of the application by the Rainbow Trout Licensing Committee.

Any brood stock facility must have security measures to ensure that no individuals capable of breeding can be stolen or otherwise released into the wild. Therefore, for brood stock facilities, please provide details on additional security measures which will be in place to prevent theft of brood stock (for example, locked doors, fencing or other).

A written description of the containment measures should also be attached to support the detailed sketch.

1.6 WATER SOURCE INFORMATION

Information provided in this section will be used by the Department of Environment to assess the requirement for approvals under the *Clean Water Act* and the *Clean Environment Act*. Section 3 of the guide provides further details on the various approvals under the noted legislation.

1.6.1 Sources of water

A description of the surface and ground water sources is required. Please describe the source(s) of water that will be used (well, spring, river, etc...) for the aquaculture facility. For each water source the following information must be provided; the maximum flow available, maximum flow required and if the water source will be pumped.

1.6.2 Groundwater source

Water Source Approval under the *Clean Water Act* may be required for those operations using a groundwater source of water. The completion of this section is only necessary if you are proposing to use a water source(s) that originates from a well (groundwater). Please identify all other users of a groundwater source within 250 metres of the proposed aquaculture facility. The nature of the use must also be provided i.e., domestic use. This information is used to assess the impact the

proposed use may have on existing users.

1.6.3 Other users of the water system for the proposed aquaculture facility

This section applies to facilities that propose to use water from a watercourse or lake. In order to assess potential impact on existing users of the water source you intend to use, please identify all existing users within 1km. The present use, user and distance from the proposed aquaculture facility must be provided. This section provides space for identifying both upstream and downstream users.

In the event the space provided is insufficient, please provide information on a separate attachment.

1.7 STOCK IDENTIFICATION

1.7.1 Species and supplier

Please identify in the space provided the species you are requesting authorization to culture and the supplier you intend to acquire eggs and/or juvenile fish from. You are also required to identify the development stage of the fish being purchased i.e., eggs, fry, or fingerling. If culturing Atlantic salmon, please identify the river strain.

It should be noted that if you wish to culture any species not indigenous to New Brunswick, a permit from Fisheries and Oceans Canada will be required. A special licence is also required from the NB department of Natural Resources if you plan to stock your facility with fish from a natural source.

1.7.2 Information concerning Rainbow trout

For rainbow trout, you must identify if the stock are diploid all female; triploid with a mix of female and male; triploid all female; or any combination of the above. Ploidy refers to the number of chromosomes occurring in the nucleus of a cell (for example, 1 set of chromosomes = haploidy; 2 sets of chromosomes = diploidy; 3 sets of chromosomes = triploidy). For the purposes of this application, you must specify the ploidy of the sex cells (and not the body cells).

1.7.3 Maximum production

Please provide the maximum number of fish that will be held at your site at one time. An average weight or length must also be provided. This information will be used to calculate the maximum

biomass that can be held at the facility.

Please provide the estimated amount in kilograms of the maximum daily feed given.

1.8 APPLICANT SIGNATURE AND SUBMISISON OF THE APPLICATION

Please date and sign the application in the space provided. The completed application and application fee must be mailed or delivered to the appropriate Regional Office of the Department of Agriculture and Aquaculture.

The submission of Inland Aquaculture Licence Applications to the appropriate Regional office is dependent on the County where the facility will be located. The last page of the guide outlines where the application should be submitted.

SECTION 2 - SUPPLYING FALSE INFORMATION

Section 21(1) of the *Aquaculture Act* provides the Registrar with the authority to suspend or revoke an aquaculture licence if the Registrar is satisfied that the licensee has made a false statement in applying for a licence or for a renewal or amendment of a licence.

SECTION 3 - ENVIRONMENT APPROVALS

3.1 ENVIRONMENT LEGISLATION

In addition to your proposed aquaculture activity requiring a licence pursuant to the *Aquaculture Act*, the operation may be subject to approvals under the *Clean Environment Act* and the *Clean Water Act*. Outlined below is a brief description of Environmental legislation to which your operation may be subject. Aquaculture applications will be used by the Department of Environment to assess the requirement for approvals pursuant to the above-noted legislation.

3.2 DEPARTMENT OF ENVIRONMENT CONTACT

Should you have any questions respecting Environmental legislation that inland aquaculture sites may be subject to please contact:

Department of Environment
Aquaculture Coordinator
P.O. Box 6000
Fredericton, N.B. E3B 5H1
or by calling
(506)453-2690

3.3 CLEAN ENVIRONMENT ACT

3.3.1 Environmental Impact Assessment Regulation

Aquaculture proposals for freshwater facilities may be subject to registration and screening under the *Environmental Assessment Regulation*. It should be noted, however, any works prior to August of 1987 are grandfathered in and are not subject to EIA screening. An information package entitled "Environmental Impact Assessment in New Brunswick" outlines the EIA process and requirements. Should you be interested in obtaining a copy please contact one of the Department of Agriculture and Aquaculture Regional Offices or the Department of Environment. Upon review of the aquaculture application by the Department of Environment, applicants will be contacted if the proposal is subject to the noted regulation.

3.3.2 Water Quality Regulation

Approval under the Water Quality regulation is orientated to ensuring the levels of phosphorous and suspended solid discharged into receiving waters do not exceed established acceptable levels.

In general, facilities with a holding capacity of a 1000 kg of fish or less will not require approval under the *Water Quality Regulation*. A final decision will not be made until the Department of Environment has reviewed the information contained within the aquaculture application. Generally facilities with a biomass greater than 1000 kg will require approval.

3.4 CLEAN WATER ACT

3.4.1 Watercourse Alteration Regulation

For operations that will use water from a watercourse, undertake work in or within 30m of a watercourse or discharge to a watercourse a permit to undertake the activity under the *Watercourse Alteration Regulation* is generally required. Should your proposal involve work of this nature and approval has not been obtained from the

Department of Environment, it is suggested that the Aquaculture Coordinator with the Department of Environment or one of the Regional Department of Agriculture and Aquaculture Offices be contacted to determine if a Watercourse Alteration Permit is required. A "Watercourse Alteration Package" which contains an application and outlines information requirements is available from the noted offices. Should your proposal require a Watercourse Permit, the application may be submitted with your Aquaculture Licence Application. Upon receipt of the application by the Registrar of Aquaculture it will be forwarded to the Department of Environment for processing. In the event further information is required the Department of Environment will contact you directly. Please note that a fee of \$25.00 is required by the Department of Environment for a Watercourse Alteration Application. A cheque or money order made payable to the Minister of Finance should be attached to the Watercourse Alteration Application.

NOTE: Generally sketches requested in the Watercourse Alteration Application are not required provided the diagram requested in the Aquaculture Licence Application has been completed as outlined. All other information requested in the Watercourse Alteration Application must be provided.

3.4.2 Ground water source approval

For proposals involving the use of water from a groundwater source in excess of 45 460 Litres/Day approval may be required. Upon review by the Department of Environment you will be advised of any approvals which are required.

A guide entitled "Water Supply Source Assessment" is available from any of the Department of Agriculture and Aquaculture Regional offices or by contacting the Department of Environment office.

3.4.3 Watershed protection guidelines

Within the Province the Department of Environment has designated certain watersheds as being protected. The discharge from aquaculture facilities into these watersheds is not permitted. Applications will be reviewed to ensure they are not located on designated watersheds. A list of protected watersheds may be obtained from any

Department of Agriculture and Aquaculture or Department of Environment office.

SECTION 4 - FISH PROCESSING APPROVALS

4.1 PROVINCIAL LEGISLATION

Processing of fish and the subsequent sale in New Brunswick is regulated under the *Fish Processing Act*, Chapter F-18.01 and the *Fish Inspection Act*, Chapter F-18 and their respective Regulations.

4.1.1 Fish Processing Act

In the event the operator of an aquaculture facility contemplates any form of processing of the cultured product, it must take place in a licensed fish processing plant, unless sales are to be made at the farm gate to the final consumer.

A fish Processing Licence is required to operate or maintain a processing plant. The *Fish Processing Act* governs the activity.

The *Fish Processing Act* is administered by the New Brunswick Department of Fisheries.

4.1.2 Fish Inspection Act

In accordance with the *Fish Inspection Act*, no person shall purchase, offer to purchase or collect fish for resale or for processing unless he is the holder of a Buyer's Licence under the noted legislation.

A Fish Processors licence under the *Fish Inspection Act* is required for anyone who operates or maintains an establishment for processing fish which must be licensed under the Fish Inspection Act. The fish processors licence governs the activity while the later specifies the location of the processing facility.

The *Fish Inspection Act* is administered by the New Brunswick Department of Health.

4.1.3 Contacts

Should you have any questions or require further information on licence requirements that are required under the noted legislation please contact staff in one of the Regional Office of the Department of Agriculture and Aquaculture.

4.2 FEDERAL LEGISLATION

In the event you intend to ship product outside the province, the product must be processed in a facility licensed by the Canadian Food Inspection Agency (CFIA). For further information on this please contact the following CFIA office:

East Coast region

Shediac District Office
620, Main Street, Unit A
P.O. Box 370
Shediac, NB E4P 2H3
or by calling
(506) 533-5100

Bay of Fundy region

99 Mount Pleasant Road
P.O. Box 1036
St. George, NB E5C 3S9
or by calling
(506) 755-5150

SECTION 5 - THE APPLICATION REVIEW PROCESS

An application for an aquaculture licence is initiated by submitting the completed application to the appropriate Regional office.

5.1 REGIONAL OFFICE

On receipt of an application at the Regional Office, it will be checked for completeness. The application will then be forwarded to the Registrar of Aquaculture for processing.

5.2 REGISTRAR OF AQUACULTURE

A letter of acknowledgement will be sent upon receipt of the application by the Registrar. If any additional information is required, it may be requested from the applicant.

5.3 INTERAGENCY REVIEW

All applications for Aquaculture Licences are subject to an interagency review coordinated by the Department of Agriculture and Aquaculture.

The government agencies who review the application are:

- i) Provincial Government Departments of:
 - a) Agriculture and Aquaculture
 - b) Natural Resources
 - c) Environment
- ii) Federal Government Departments of:
 - a) Fisheries and Oceans Canada
 - b) Transport Canada, Navigable Waters Protection Program (only for sites located in navigable non tidal waters)

All applications are assessed against each agency's particular responsibility with comments and recommendations being returned to the Department of Agriculture and Aquaculture. Depending on the circumstances, other government agencies may be requested to review the application.

5.4 RAINBOW TROUT LICENSING COMMITTEE

All applications for rainbow trout are subject to review by the Rainbow Trout Licensing Committee. The RTALC is chaired by the Department of Agriculture and Aquaculture and comprised of the following government agencies:

- i) Provincial Government Departments of:
 - a) Agriculture and Aquaculture
 - b) Natural Resources
 - c) Environment
- ii) Federal Government Department of:
 - a) Fisheries and Oceans Canada

All applications are assessed in the context of the New Brunswick Rainbow Trout Policy with comments and recommendations being returned to the Department of Agriculture and Aquaculture.

5.5 APPLICATION DECISIONS

Decisions related to the issuance of aquaculture licences are rendered as follows:

Based on the review of the application, the Registrar will render a decision on the application at which time the applicant will be advised accordingly. The Registrar's decision may be appealed to the Minister of Agriculture and Aquaculture within 30 days of receipt of the Registrar's written decision. The appeal must be submitted in writing clearly stating the reason for the appeal and also must include a \$200.00 appeal

fee payable to the Minister of Finance. This fee will be refunded if the Registrar's decision is reversed by the Minister; but, if the Registrar's decision is upheld the fee will not be refunded.

SECTION 6 - SITE OPERATIONS

6.1 COMPLIANCE WITH ZONING BY-LAWS AND PROVINCIAL REGULATIONS

It is the applicant's responsibility to ensure proposed development is consistent with municipal by-laws or *Provincial Planning Regulations*. For a proposed development within a municipality, enquiries should be directed to the office for the municipality. Enquiries respecting other areas should be directed to the Department of Local Government, Land Use Planning Branch in your area. Contacts for the noted agencies may be acquired from the Regional Department of Agriculture and Aquaculture offices.

6.2 VIOLATIONS

If anyone is conducting aquaculture without a valid aquaculture licence or if a person is involved in aiding, abetting or instigating an illegal activity, then they are liable on summary conviction to a fine of not less than \$100.00 and not more than \$1,000.00 per day pursuant to the *Provincial Offences Procedure Act*.

If anyone is convicted of any offence under the Aquaculture Act or the Regulations they are not eligible to apply for an aquaculture licence for a three year period.

SECTION 7 - FEES

7.1 AQUACULTURE LICENCE APPLICATION FEE

An application for an Inland Aquaculture Licence is subject to an application fee that must be submitted at the time of application. The same fee applies to all categories of licences.

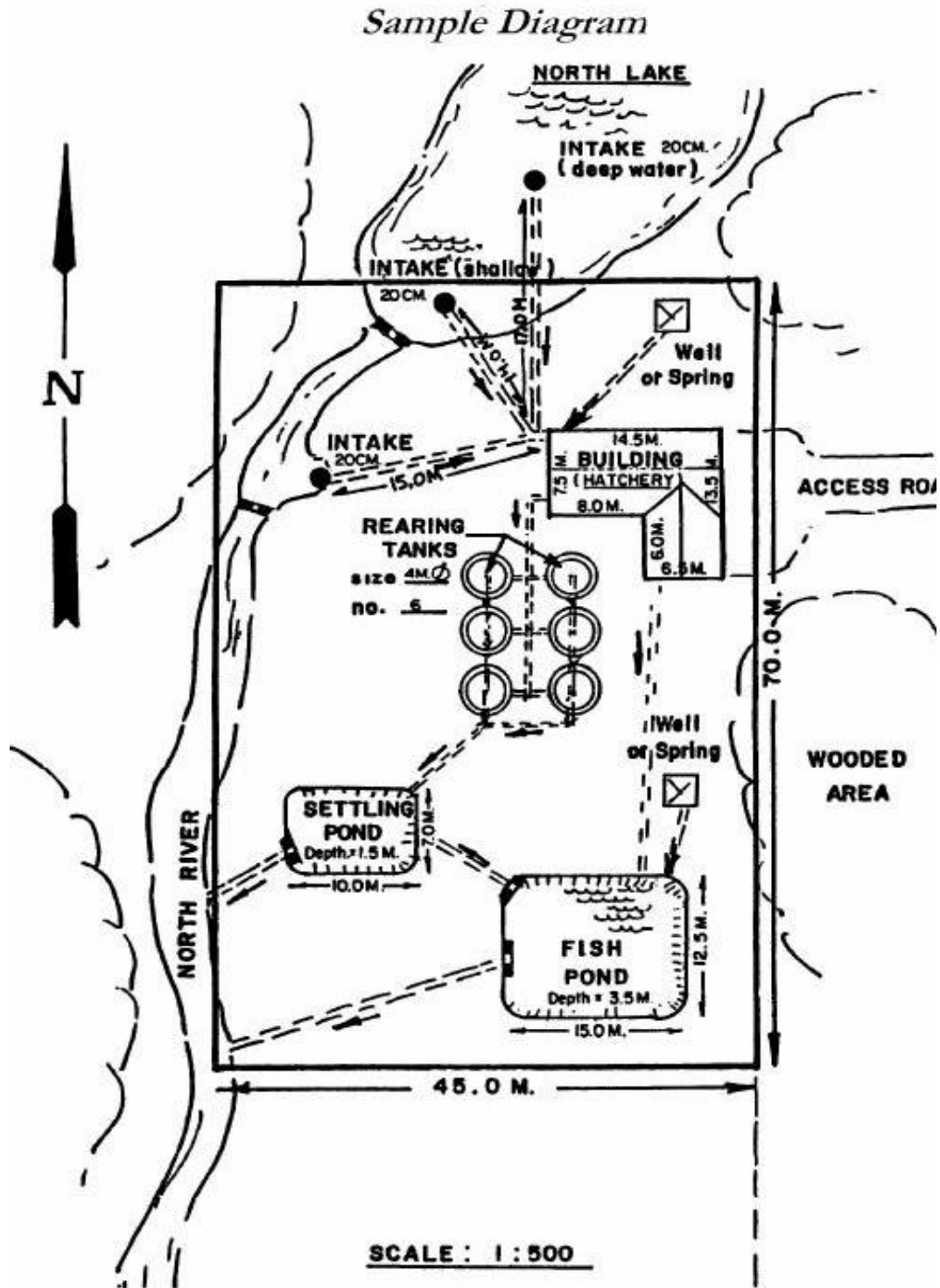
- i) Application Fee: \$ 10.00
- ii) Renewal Fee: \$ 20.00

7.2 ANNUAL AQUACULTURE LICENCE FEES

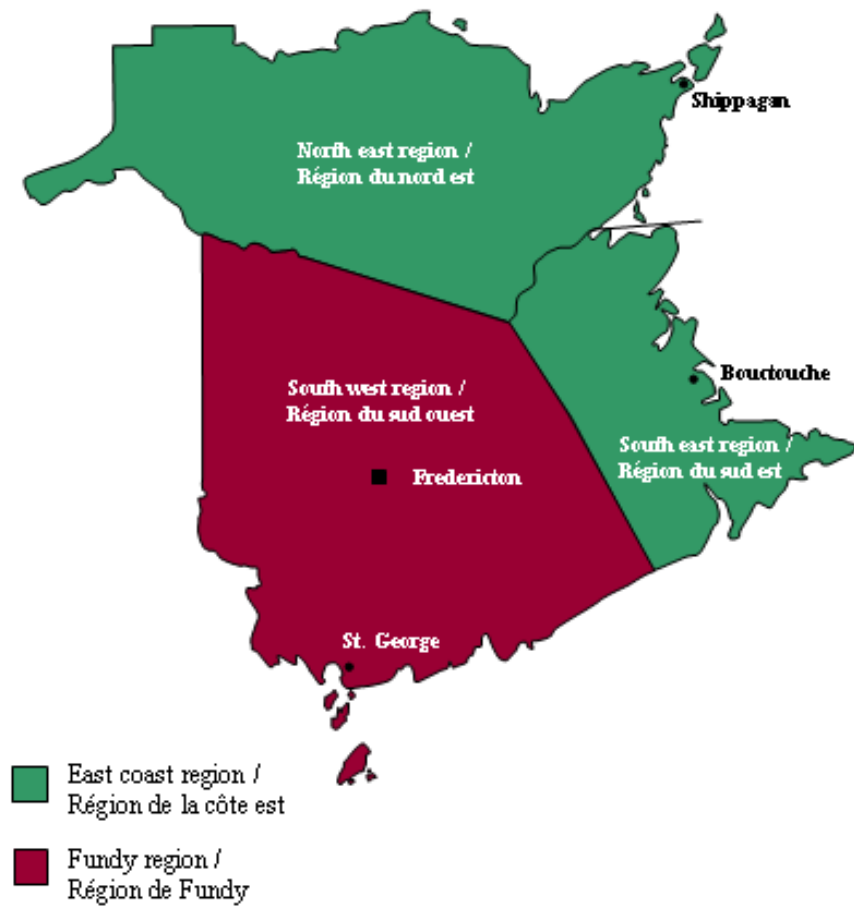
- i) Commercial: \$ 50.00
- ii) Institutional: \$ 20.00
- iii) Private: \$ 10.00

The fee for the first year will be collected upon issuance of a licence, with further annual fees due before the first of April of each year for the duration of the licence.

APPENDIX 1 - SAMPLE DIAGRAM SHOWING A SITE LAYOUT



APPENDIX 2- DEPARTMENT OF AGRICULTURE AND AQUACULTURE
REGIONAL OFFICES



Applications for aquaculture licenses should be submitted to the Regional Office of the Department of Agriculture and Aquaculture for the county in which the facility will be located. The regional offices of the Department of Agriculture and Aquaculture are listed below, along with their mailing and shipping address. The counties served by the different offices are indicated as well.

FUNDY REGION

Counties (Region 3)	Victoria	Carleton
	York	Sunbury
	Charlotte	Queens
	Kings	Saint John

Please return to: Department of Agriculture and Aquaculture
P.O. Box 1037
107 Mount Pleasant Road
St. George, N.B. E5C 3S9

EAST COAST REGION

Counties (Region 1)	Madawaska	Gloucester
	Restigouche	Northumberland, north side of Miramichi River

Please return to: Department of Agriculture and Aquaculture
100, Aquarium Street
Shippagan, N.B. E8S 1H9

Counties (Region 2)	Westmorland	Kent
	Albert	Northumberland, south side of Miramichi River, including parish of South Esk

Please return to: Department of Agriculture and Aquaculture
26 Acadie Street
Bouctouche, N.B. E4S 2T2

APPLICATION FEES

Please enclose your \$10.00 application fee.

YOUR CHEQUE(S) OR MONEY ORDER(S) MUST BE MADE PAYABLE TO THE MINISTER OF FINANCE.