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Under subsection 90(1) of the *Aquaculture Act*, the Lieutenant-Governor in Council makes the following Regulation:

Citation

1 This Regulation may be cited as the *General Regulation – Aquaculture Act*.

Definitions

2 The following definitions apply in this Regulation.

“Act” means the *Aquaculture Act*. (*Loi*)

“aquaculture legislation” means

- (a) the *Canadian Environmental Protection Act, 1999* (Canada),
- (b) the *Canadian Navigable Waters Act* (Canada),
- (c) the *Clean Environment Act*,
- (d) the *Clean Water Act*,
- (e) the *Fish and Wildlife Act*,
- (f) the *Fisheries Act* (Canada),
- (g) the *Food and Drugs Act* (Canada),
- (h) the *Health of Animals Act* (Canada),
- (i) the *Pest Control Products Act* (Canada),
- (j) the *Safe Food for Canadians Act* (Canada), and
- (k) the *Species at Risk Act* (Canada). (*législation en matière d’aquaculture*)

“associated person” means a person who

- (a) has a beneficial interest in the business of the other person,
- (b) exercises control, either directly or indirectly, over the business of the other person,
or
- (c) has provided financing, either directly or indirectly, to the business of the other person. (*personne associée*)

“commercial licence” means a category of licence that permits a licence holder to conduct aquaculture for commercial gain. (*permis à fins commerciales*)

“firearm” means a firearm as defined in the *Criminal Code* (Canada). (*arme à feu*)

“scientific licence” means a category of licence that permits a licence holder to conduct aquaculture for the purposes of research or activities relating to public fishery enhancement. (*permis à fins scientifiques*)

Powers and duties of the Registrar

- 3** For the purposes of subsection 10(2), the Registrar shall maintain a copy of
- (a) each lease granted and each permit and licence issued, and
 - (b) documents containing the information referred to in section 4.

Information and documents

- 4** For the purposes of subsections 10(4) and 54(4) of the Act, the following information, including personal information, is prescribed:

- (a) information collected in a form, provided either directly from the individual concerned, or indirectly, from any other person authorized to complete the form;
- (b) information necessary for establishing or maintaining the registry;
- (c) information necessary for the enforcement of the Act, the regulations, the orders, or for purposes relating to a hearing or appeal under the Act;
- (d) information on analysis, grading or testing of samples by a laboratory and the test results;
- (e) information contained in applications received;
- (f) information included in leases granted and permits and licences issued;
- (g) information concerning orders and approvals issued;
- (h) information contained in reports and plans submitted; and
- (i) information disclosed in inspection reports and tests.

Books, records and documents

5(1) For the purposes of subsection 11(1) of the Act, lease holders, permit holders and licence holders shall maintain books, records and documents related to the following:

- (a) the transfer, transport and introduction of all live aquaculture products to a site;
- (b) the source and genetics of all live aquaculture products introduced to a site;
- (c) tests and testing results at a site, including data on sea lice counts;

- (d) containment structures at a site, including records of inspection and maintenance of the containment structures;
- (e) wild aquatic organisms collected at a site;
- (f) in the case of a licence holder, all sales of aquaculture products;
- (g) identification, monitoring and control of hazards;
- (h) mortality events at a site; and
- (i) all chemicals used at the site, including
 - (i) pesticides,
 - (ii) antibiotics, and
 - (iii) therapeutants.

5(2) A lease holder, permit holder and licence holder shall maintain the books, records and documents referred to in subsection (1) at their head office or main place of business in the Province for a minimum period of seven years.

Annual report

6 A licence holder shall submit to the Registrar, on or before March 31 of each year, an annual report on a form provided by the Registrar.

Registry

7 For the purposes of subsection 12(2) of the Act, the registry shall contain the following information:

- (a) information related to a site, including
 - (i) the name of the lease holder, permit holder or licence holder,
 - (ii) the telephone number of the lease holder, permit holder or licence holder,
 - (iii) the expiry date of the lease, permit or licence, as the case may be,
 - (iv) the size of the site,
 - (v) the species and strain of aquatic organisms authorized to be cultivated at the site, and
 - (vi) the method of cultivation of aquaculture product;
- (b) information concerning reportable conditions found at sites within an aquaculture management area, including
 - (i) the date of any report made under section 59 of the Act,
 - (ii) the determination of the nature and source of the reportable condition,
 - (iii) the type of report, including that of a disease, mortality event or invasive species,
 - (iv) a description of any escape or failure of containment structures, and
 - (v) the measures taken for the suppression, limitation or treatment of the reportable condition; and
- (c) information concerning sea lice found in an aquaculture management area, including
 - (i) annual sea lice counts reported by licence holders,

- (ii) annual sea lice counts reported by inspectors following an audit, and
- (iii) comparisons of the sea lice counts reported in subparagraphs (i) and (ii).

Refusal of lease application

8 For the purposes of subsection 16(3) of the Act, the Registrar may refuse to grant a lease under the following circumstances:

- (a) the applicant or an associated person has failed to pay any fee, rent, fine, penalty or debt due to the Province under the Act or aquaculture legislation;
- (b) the applicant or an associated person has failed to pay any tax levied on the aquaculture land where any of their sites is located;
- (c) an applicant or an associated person has failed to comply with
 - (i) a provision of any lease, permit or licence, or
 - (ii) any order made by the Minister, the Chief Veterinary Officer or an inspector under the Act;
- (d) the applicant has failed to apply for or hold a licence related to the aquaculture land that is the subject of the application for a lease;
- (e) the proposed use of the aquaculture land by the applicant would constitute an undue conflict with other users of the surrounding waters; or
- (f) the proposed use of the aquaculture land by the applicant would constitute an unacceptable environmental risk.

Terms and conditions of a lease

9 For the purposes of paragraph 18(b) of the Act, a lease is subject to the following terms and conditions:

- (a) the lease holder shall hold a valid licence under the Act for the site indicated in the lease;
- (b) the lease holder shall immediately notify the Registrar of any change to information or documentation that accompanied the initial application or any subsequent application for amendment, renewal, assignment or transfer of the lease;
- (c) the lease holder shall place and maintain all structures and equipment within the boundaries of the site indicated in the lease;
- (d) the lease holder shall maintain lights, buoys and other markings at the site indicated in the lease; and
- (e) within 90 days after ceasing to conduct aquaculture or related activity, the lease holder shall notify the Registrar and submit a plan to repair or restore the aquaculture land where the site is located, which shall include the removal of all aquaculture structures, equipment or improvements.

Refusal of permit application

10 For the purposes of subsection 26(3) of the Act, the Registrar may refuse to issue a permit under the following circumstances:

- (a) the applicant or an associated person has failed to pay any fee, rent, fine, penalty or debt due to the Province under the Act or aquaculture legislation;

- (b) the applicant or an associated person has failed to pay any tax levied on the aquaculture land where any of their sites is located;
- (c) the applicant or an associated person has failed to comply with
 - (i) a provision of any lease, permit or licence, or
 - (ii) any order made by the Minister, the Chief Veterinary Officer or an inspector under the Act;
- (d) the applicant has failed to apply for or hold a licence related to the aquaculture land that is the subject of the application for a permit;
- (e) the proposed use of the aquaculture land by the applicant would constitute an undue conflict with other users of the surrounding waters; or
- (f) the proposed use of the aquaculture land by the applicant would constitute an unacceptable environmental risk.

Terms and conditions of permit

11 For the purposes of paragraph 28(b) of the Act, a permit is subject to the following terms and conditions:

- (a) the permit holder shall hold a valid licence under the Act for the site indicated in the permit;
- (b) the permit holder shall immediately notify the Registrar of any change to information or documentation that accompanied the initial application or any subsequent application for amendment or renewal of the permit;

- (c) the permit holder shall place and maintain all structures and equipment within the boundaries of the site indicated in the permit;
- (d) the permit holder shall maintain lights, buoys and other markings at the site indicated in the permit; and
- (e) within 90 days after the cessation of aquaculture or related activity at the site, the permit holder shall notify the Registrar and submit a plan to restore the aquaculture land where the site is located, which shall include the removal of all aquaculture structures and equipment.

Categories of licence

12 For the purposes of section 35 of the Act, the following categories of licence are prescribed:

- (a) commercial licence; and
- (b) scientific licence.

Farming management plan

13 For the purposes of subsection 36(3) of the Act, a farming management plan developed or adopted by an applicant or licence holder shall contain the following information and documents:

- (a) information about the applicant or licence holder as follows:
 - (i) if an individual,
 - (A) their full legal name,

(B) their residential address, the mailing address, the daytime telephone number, and, if available, an email address, and

(C) their date of birth;

(ii) if a body corporate,

(A) its legal name,

(B) its business address and mailing address, and, if different, the address of the head office,

(C) if incorporated in the Province, a copy of its certificate of incorporation or letters patent, as the case may be,

(D) if incorporated outside the Province, a copy of its certificate of registration under Part 17 of the *Business Corporations Act*,

(E) the full legal name, the daytime telephone number, and, if available, the email address of the officer or employee submitting the application on behalf of the body corporate; or

(iii) if an unincorporated organization,

(A) its legal name and any operating name,

(B) the jurisdiction where it is registered,

(C) its business address and mailing address, and

(D) the full legal name, the daytime telephone number, and, if available, the email address of the individual submitting the application on behalf of the organization;

- (b) an organization chart that shows
 - (i) the applicant or licence holder and any associated persons,
 - (ii) in the case of an applicant or licence holder that is a corporation or partnership, its officers, directors or partners and any associated persons, and
 - (iii) persons who perform executive, management or senior administrative functions for the applicant or licence holder;
- (c) a site and area plan that shows
 - (i) the topography and bathymetry of the site,
 - (ii) the location of buildings and structures, and
 - (iii) the distance in metres between each building and structure;
- (d) layout sketches, diagrams or drawings that show the aquaculture activities to be conducted, including process flow sheets or process schematic drawings;
- (e) the following documents, along with the dates on which they were made and the dates of any amendments:
 - (i) any environmental assessment and monitoring plan that has been completed or that is required under aquaculture legislation; and
 - (ii) the documents that set out the plans, procedures and protocols designed to ensure compliance with the Act, the regulations and the licence, including
 - (A) operating procedures,

- (B) maintenance procedures,
- (C) stocking and production plans,
- (D) training manuals,
- (E) emergency response plans,
- (F) risk management procedures,
- (G) procedures for maintaining the health, welfare, genetic and grade standards of the aquaculture products,
- (H) procedures for ensuring the reporting of hazards, and
- (I) administrative procedures and processes, including record keeping.

Refusal of licence application

14 For the purposes of subsection 36(5) of the Act, the Registrar may refuse to issue a licence under the following circumstances:

- (a) the applicant or an associated person has failed to pay any fee, rent, fine, penalty or debt due to the Province under the Act or aquaculture legislation;
- (b) an applicant or an associated person has failed to comply with
 - (i) a provision of any lease, permit or licence,
 - (ii) any order made by the Minister, the Chief Veterinary Officer or an inspector under the Act, or

- (iii) the terms and conditions of any approval issued by the Chief Veterinary Officer under section 55 of the Act;
- (c) the applicant does not have a right to occupy the site;
- (d) the applicant has failed to apply for or hold any licence, permit or other authorization under aquaculture legislation that is required to conduct aquaculture at the site;
- (e) the use of the site under the licence would constitute an undue conflict with other users of the surrounding waters; or
- (f) the use of the site under the licence would constitute an unacceptable environmental risk.

Terms and conditions of licence

15 For the purposes of paragraph 39(1)(b) of the Act, a licence is subject to the following terms and conditions:

- (a) the licence holder shall hold any licence, permit or other authorization under aquaculture legislation that is required to conduct aquaculture at the site;
- (b) the licence holder shall immediately notify the Registrar of any change to information or documentation that accompanied the initial application or any subsequent application for amendment or renewal of the licence;
- (c) the licence holder shall maintain lights, buoys and other markings at the site; and
- (d) the licence holder shall not permit any person to be in possession of a firearm at a site.

Possession of live aquatic organisms

16 For the purposes of subsection 48(5) of the Act, no person may have possession of live aquatic organisms, directly or indirectly, for the purposes of aquaculture other than

- (a) in the case of a licence holder, organisms of the species and strain specified in the licence, or
- (b) in accordance with the terms and conditions of a written approval of the Chief Veterinary Officer given under section 55 of the Act.

Standards

17 For the purposes of paragraph 51(c) of the Act, the following standards are prescribed:

- (a) *Certificate of Health for Transfer, Pan-Atlantic Finfish Policy*, v. 1.1, 2020, Atlantic Canada Memorandum of Understanding on Aquaculture Development, as amended from time to time; and
- (b) *Code of Containment for Finfish Aquaculture in New Brunswick*, 2nd ed., Atlantic Canada Fish Farmers Association, 2021.

Harvesting

18(1) For the purposes of section 52 of the Act, a licence holder may harvest aquaculture products cultivated under the licence in a manner consistent with

- (a) the terms and conditions of the licence,
- (b) the policies, procedures, standards and guidelines established by the Minister under section 6 of the Act, and

(c) the terms and conditions of a written approval of the Chief Veterinary Officer, if any, issued under section 55 of the Act.

18(2) When aquaculture products are harvested by angling, a licence holder shall

(a) record the number of aquatic organisms harvested by species and the date on which they were harvested on a certificate provided by the Registrar,

(b) provide a copy of the certificate to the angler, and

(c) retain a copy of the certificate.

Testing

19 For the purposes of section 53 of the Act, before the transfer or transport of live aquaculture products or the introduction of live aquaculture products to a body of water or site, a licence holder shall have the aquatic organisms tested for hazards by a fish health diagnostic service and shall submit the test results to the Chief Veterinary Officer.

Transfer or transportation of aquaculture products

20 For the purposes of subsection 53(2) of the Act, a person may transfer or transport live aquaculture products from one body of water or site to another in a manner consistent with the standards prescribed under section 17 and the terms and conditions of a written approval of the Chief Veterinary Officer issued under section 55 of the Act.

Introduction to body of water or site

21 For the purposes of subsection 53(3) of the Act, a person may introduce live aquaculture products to a body of water or site in a manner consistent with the terms and conditions of a written approval of the Chief Veterinary Officer issued under section 55 of the Act.

Approvals

22 For the purposes of subsection 55(1) of the Act, the Chief Veterinary Officer may issue an approval for the following activities:

- (a) the possession of aquatic organisms, directly or indirectly, for the purposes of aquaculture;
- (b) the harvest of aquaculture products;
- (c) the sale, destruction or other disposal of aquaculture products, including parts or portions of aquaculture products, in which hazards are, or may be, present;
- (d) the transfer or transport of live aquaculture products from one body of water or site to another; or
- (e) the introduction of live aquaculture products to a body of water or site.

Code of containment

23 For the purposes of section 56 of the Act, the *Code of Containment for Finfish Aquaculture in New Brunswick*, Atlantic Canada Fish Farmers Association, 2nd ed., 2021, is adopted.

Methods of testing

24 For the purposes of paragraph 62(b) of the Act, the methods prescribed for tests and other scientific investigations shall be those set out in the following standards, as amended from time to time:

- (a) *General requirements for the competence of testing and calibration laboratories - ISO/IEC 17025:2017*; and

(b) the *Manual of Diagnostic Tests for Aquatic Animals*, World Organization for Animal Health, 2021.

Interest rate

25 For the purposes of section 76 of the Act, the interest rate is 1.06% per month compounded monthly or 13.5% per year.

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