



BILL NO. 87

Government Bill

*1st Session, 63rd General Assembly
Nova Scotia
67 Elizabeth II, 2018*

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

CHAPTER 8
ACTS OF 2018

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
APRIL 18, 2018**

The Honourable Keith Colwell
Minister of Fisheries and Aquaculture

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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

Be it enacted by the Governor and Assembly as follows:

1 Section 43 of Chapter 25 of the Acts of 1996, the *Fisheries and Coastal Resources Act*, as amended by Chapter 19 of the Acts of 2015, is further amended by

(a) relettering clause (a) as clause (aa) and adding immediately preceding that clause the following clause:

(a) “adjudicative amendment” means an amendment to an aquaculture licence or to an aquaculture lease approved by the Review Board on the hearing of an application to amend pursuant to clause 49(b) or (c); and

(b) relettering clause (aa) as clause (ab).

2 Subsection 44A(6) of Chapter 25 of the Acts of 1996, as enacted by Chapter 19 of the Acts of 2015, is amended by adding “and acceptable” immediately after “equivalent” in the first and second lines.

3 Chapter 25 is further amended by adding immediately after Section 47 the following Section:

47A (1) The holder of an aquaculture licence or an aquaculture lease may submit a proposal to the Minister to advance an application before the Review Board for an adjudicative amendment to the licence or lease.

(2) The proposal must be submitted within such time and in such manner as the Minister determines.

(3) The proposal must include such information as the Minister determines.

(4) Upon review of the proposal, the Minister may issue an approval to advance the application for an adjudicative amendment before the Review Board.

(5) The approval to advance the application

(a) must convey the exclusive right, for the duration of the approval, to apply for the adjudicative amendment to the Review Board;

(b) must be for a prescribed duration; and

(c) is subject to a prescribed fee.

(6) Where the Minister grants an approval pursuant to subsection (4) and the Review Board could approve an increase of the area of an existing aquaculture site under that application, the Minister shall not, pending the Review Board’s determination, grant an option to lease or approve another proposal to advance an application relating to the area that may be added to the existing aquaculture site.

(7) Where there are competing proposals of equivalent and acceptable stature, the Minister shall issue an approval to advance an application for an adjudicative amendment to the proponent who, in the opinion of the Minister, is the best overall proponent based on the information available to the Minister under this Section.

4 Subsection 50(2) of Chapter 25, as enacted by Chapter 19 of the Acts of 2015, is repealed and the following subsection substituted:

(2) An appeal made pursuant to subsection (1) does not operate as a stay of the Review Board decision pending the outcome of the appeal.

5 Subsection 54A(1) of Chapter 25, as enacted by Chapter 19 of the Acts of 2015, is amended by

- (a) striking out “aquacultural” in the second line of clause (a) and substituting “aquaculture development”;**
- (b) striking out “and” at the end of clause (e);**
- (c) striking out the period at the end of clause (f) and substituting “; and”; and**
- (d) adding immediately after clause (f) the following clause:**
 - (g) applications to amalgamate two or more aquaculture licences or aquaculture leases and their associated aquaculture sites.

6 Chapter 25 is further amended by adding immediately after Section 55 the following Section:

55A Notwithstanding anything contained in this Part, the Administrator may grant an institutional licence or institutional lease, upon such terms and conditions as the Administrator considers necessary or advisable, to a person who is carrying out public fishery enhancement and research activities that are not for the purpose of commercial gain.

7 Subsection 58(1) of Chapter 25, as enacted by Chapter 19 of the Acts of 2015, is amended by

- (a) striking out the period at the end of clause (e) and substituting “; and”; and**
- (b) adding immediately after clause (e) the following clause:**
 - (f) amalgamate aquaculture licences and aquaculture leases and their associated aquaculture sites.
