

**APPLICATION AND SITE MARKING
REQUIREMENTS
FOR
AQUACULTURE PROJECTS IN
CANADA**

An Overview

Copies of this publication are available from the following Transport Canada locations:

Headquarters

Navigable Waters Protection Program
Transport Canada
330 Sparks Street, 10th Floor
Ottawa, Ontario
K1A 0N5
(613) 990-2309

Regional Offices

Pacific Region

620-800 Burrard Street
Vancouver, British
Columbia
V6Z 2J8

(604) 775-8866

Prairie and Northern Region

201 North Front St.
Suite 703
Sarnia, Ontario
N7T 8B1

(519) 383-1862

Ontario Region

201 North Front St,
Suite 703,
Sarnia, Ontario
N7T 8B1

(519) 383-1862

Québec Région

Gare maritime Champlain
901, Cap Diamant
Pièce 310
Québec, Québec
G1K 4K1

(418) 648-5403

Atlantic Region

P.O. Box 1000
Dartmouth, Nova Scotia
B2Y 3Z8

(902) 426-8488

Atlantic Region

Box 5667
St. John's, Newfoundland
A1C 5X1

(709) 772-7563

Visit our Internet Site at:

<http://www.tc.gc.ca/marinesafety/Ships-and-operations-standards/nwp/menu.htm>

This document may be reviewed and updated to reflect changes in aquaculture technologies and practices, and new legislative and policy initiatives.

Please send any comments to:

Navigable Waters Protection Program
Transport Canada
330 Sparks Street, 10th Floor
Ottawa, Ontario
K1A 0N5

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List of Acronyms

CCG	Canadian Coast Guard, DFO
CEAA	Canadian Environmental Assessment Act
CEAA	Canadian Environmental Assessment Agency
CSA	Canada Shipping Act
DFO	Department of Fisheries and Oceans
EA	Environmental Assessment
ESR	Environmental Screening Report
FA	Fisheries Act
HADD	Harmful Alteration, Disruption or Destruction (of fish habitat)
HMP	Habitat Management Program, DFO
IALA	International Association of Lighthouse Authorities
MPA	Marine Protected Area
NGO	Non-government Organization
NWPA	Navigable Waters Protection Act
NWPP	Navigable Waters Protection Program, TC
SARA	Species at Risk Act
TC	Transport Canada

Introduction

The purpose of this document is to provide an overview of the process used within Transport Canada (TC) in the review and issuance of federal permits in matters pertaining to aquaculture. It has been prepared for use by persons with an interest in the placement of aquaculture sites within the navigable waters of Canada.

This document briefly outlines the review process presently used nationally for the analysis of aquaculture site approval applications and the issuance of the required federal permits associated with such applications. This overview identifies information requirements the proponent must provide when filing the initial application. Additional navigational requirements to those identified within this document that are specific to your particular form of aquaculture, Region or desired site location, may be necessary. Contact your Regional Navigable Waters Protection Program (NWPP), Transport Canada (TC) Office for further info (see page 2 for contact info).

This overview consolidates key information taken from the following current national guides pertaining to the initiation of aquaculture projects within Canada:

- Interim Guide to the Application of Section 35 of the *Fisheries Act* to Salmon Cage Aquaculture Developments
- Interim Guide to Information Requirements for Environmental Assessment of Marine Finfish Aquaculture Projects
- Interim Guide to Information Requirements for Environmental Assessment of Marine Shellfish Aquaculture Projects
- Interim Guide to Consideration of Cumulative Environmental Effects under CEAA Relative to Aquaculture Projects
- Interim Guide to Consideration of Effects of Environmental Changes on Socio-economic Conditions under CEAA Relative to Aquaculture Projects
- Interim Guide to Fisheries Management Role in the Evaluation of Aquaculture Site approval applications

Copies of these guides are available through the departmental offices of Transport Canada and may be found electronically at the following website:

http://www.dfo-mpo.gc.ca/aquaculture/library/index_e.htm

Transport Canada– Vision

Our vision of a sustainable transportation system for Canada is guided by the following principles:

- highest practicable safety and security of life and property - guided by performance-based standards and regulations when necessary;
- efficient movement of people and goods to support economic prosperity and a sustainable quality of life - based on competitive markets and targeted use of regulatory and spending interventions;
- respect for the environmental legacy of future generations of Canadians - guided by environmental assessment and planning processes in transportation decisions and selective use of regulatory and spending interventions;
- reasonable access to the national transportation system by Canada's remote regions;
- co-coordinated and harmonized actions across all modes of transport in support of intermodality and to achieve modal neutrality; and
- partnerships and collaboration among governments and with the private sector for an integrated, coherent transportation policy framework, taking into account the respective jurisdiction, role and responsibilities of all participants.

Legislative Framework

TC administers and enforces the following federal statutes as they pertain to the aquaculture site approval application review, approval and ongoing monitoring process. In doing so, TC works closely with all appropriate provincial departments and agencies ensuring all sites are properly marked and maintained.

- ***Navigable Waters Protection Act***

To ensure that proposed works in navigable waterways are approved and regulated so that the impact on navigation is minimized. It also includes provisions for the removal of unauthorized works or obstructions to navigation. Aquaculture sites are, among other types of structures, considered to be 'works' under this Act.

Fisheries and Oceans Canada administers and enforces the following federal statutes as they pertain to the aquaculture site approval application review, approval and ongoing monitoring process. In doing so, DFO works closely with all appropriate provincial departments and agencies.

- **Fisheries Act**

To protect and provide for the ongoing sustainable management of fisheries resources

- **Oceans Act**

To promote the wide application of the precautionary approach to the conservation, management and exploitation of marine resources in order to protect these resources and preserve the marine environment

Transport Canada and the Department of Fisheries and Oceans share responsibility for the administration and enforcement of the following federal statutes.

- **Canada Shipping Act**

To provide control over the activities of Canadian and foreign ships in Canadian waters including pollution prevention, preparedness and response; vessel traffic services; recreational boating safety; aids to navigation (lighthouses, buoys and beacons); navigation safety regulations; and rules dealing with Wreck.

- **Canadian Environmental Assessment Act**

To provide Canadians with high-quality environmental assessments that contributes to informed decision making, in support of sustainable development

- **Species at Risk Act**

To prevent Canadian indigenous species, subspecies and distinct populations of wildlife from becoming extinct, to provide for the recovery of wildlife species that are endangered or threatened as a result of human activity; and to manage species of special concern to prevent them from becoming endangered or threatened.

Electronic copies of these pieces of legislation may be found at the Justice Canada website:

<http://laws.justice.gc.ca/en/index.html>

Things to consider prior to application...

There are certain locations and areas within navigable waters that are more difficult than others to position 'proposed works' in a manner which do not cause substantial interference with navigation. This is not to say that the application would not be approved. However, conditions surrounding these areas can be problematic in terms of minimizing interference with navigation and thus projects proposed in such areas have greater potential of rejection.

The following are a few examples of such areas of high concern for which project reviews require special consideration:

- Published anchorages with defined limits (anchor berths)
- Marked navigation channels
- Ferry routes
- Federal Harbours
- Harbour Approaches
- Marinas or mooring areas
- Military activity areas
- Fish sanctuaries / marine protected areas / identified SARA areas
- Cables / pipelines / drilling platforms
- Published safe havens
- Water aerodromes
- Federal parks and heritage wreck sites
- Pilot boarding stations
- Known ice-breaking routes

For additional areas of high concern specific to your Region, please contact your Regional Navigable Waters Protection Program Office (see page 2 for contact info).

How to apply for and be licensed to operate an aquaculture site?

In addition to the NWPA Approval and prior to the placement of any 'proposed work' in the water, the proponent must obtain all other required leases, licences, and permits, authorizations, approvals and certificates required for the installation of an aquaculture site. To do so, the applicant must prepare and provide to the reviewing government departments and agencies all necessary drawings and supporting information/documentation to allow them to make an informed decision as quickly as possible. The review process begins when a formal application complete with all required supporting information/documentation is received.

A listing of agencies ("managing authority") accepting such applications within the various jurisdictions follows below:

Pacific Region: Land & Water British Columbia Inc.
501-345 Wallace St.
Nanaimo, B.C V9R 5B6

**Atlantic
Region:**

Ministère de l'Agriculture, des Pêches et
de l'Aquaculture
233C Blvd. J.D. Gauthier
Shippagan, New Brunswick
E8S 1N2

Nova Scotia Department of Agriculture
and Fisheries
Aquaculture Division
P.O. Box 2223
Halifax, Nova Scotia
B3J 3C4

Ministère de l'Agriculture, des Pêches et
de l'Aquaculture
26 Rue Acadie
Bouctouche, New Brunswick
E4S 2T2

Ministère de l'Agriculture, des Pêches et
de l'Aquaculture
P.O. Box 6000
Fredericton, New Brunswick
E3B 5H1

Department of Agriculture, Fisheries, Aquaculture
and Forestry
5th Floor, Jones Building
11 Kent Street, P.O. Box 2000,
Charlottetown, PEI, C1A 7N8

The Department of Fisheries and Aquaculture
PO BOX 679, 58 Hardy Avenue
Grand Falls/ Windsor
NL A2A 2K2

Québec Région:

Ministère de l'Agriculture, des Pêcheries
et de l'Alimentation du Québec
Direction régionale des Îles-de-la-Madeleine
125, Chemin du Parc
Case postale 338
Cap-aux-Meules (Québec) G4T 1B3

Ministère de l'Agriculture, des Pêcheries
et de l'Alimentation du Québec
Direction régionale de la Gaspésie
96, montée de Sandy Beach, Bureau 205
Gaspé (Québec) G4X 2V6

Ministère de l'Agriculture, des Pêcheries
et de l'Alimentation du Québec
Direction régionale de la Côte-Nord (Blanc Sablon)
1161 Camille Marcoux Blvd.
Case postale 219
Lourdes-de-Blanc-Sablon (Québec) G0G 1W0

Ontario Region: Department of Transport
Navigable Waters Protection Program
201 North Front St., Suite 703,
Sarnia, Ontario N7T 8B1

**Prairies and
Northern Region:** Department of Transport
Navigable Waters Protection Program
201 North Front St., Suite 703,
Sarnia, Ontario N7T 8B1

Each region may have “regional guidelines” that provide specific or additional direction which pertains solely to that Region. It is extremely important that all proponents check with the above agencies prior to completing their application to ensure that they are aware of and respond to such requirements within their application.

Key Stages

In order to be granted an NWPA approval, every application proceeds through the following key stages:

- ⇒ The initial application is received by the respective managing authority for aquaculture activities within the jurisdiction concerned, as indicated in the above list. The managing authority, in collaboration with the proponent, proceeds to examine the project details including, but not limited to, the review of the overall development of the proponent's business plan and the proposed site.

- ⇒ The managing authority (see page 8) then refers copies of the application to the various Federal Departments and Provincial Ministries that may have an interest in the siting and operation of the proposed aquaculture facility, including Transport Canada.

Navigable Waters Protection Program
CCG-Marine Programs
Habitat Management Program
Science
Fisheries and Aquaculture Management
Policy and Economics

- ⇒ Depending on the scope of the proposed work, non-government organizations (i.e. Power Boat Squadron, marinas, pilotage groups) may also be consulted as part of the NWPP review to provide specific subject matter expertise regarding certain aspects of the proposal.
- ⇒ NWPP reviews the plans submitted and, based on their expertise and other information gathered, determines the relevant section of the NWPA to apply.
- ⇒ If it is determined that the proposed work would not pose a substantial interference to navigation, an exemption may be issued under subsection 5(2) of the NWPA.
- ⇒ If it is determined that the proposed work would pose a substantial interference to navigation, a formal Approval under subsection 5(1) of the NWPA would be required prior to commencement of any construction. Such approvals automatically trigger an environmental assessment (EA) under the *Canadian Environmental Assessment Act* (CEAA). It must be noted that most aquaculture works fall into this category and thus will likely require an EA to be completed.

Further, pursuant to section 9 of the *Navigable Waters Protection Act*, a copy of the plans must be deposited at the nearest Land Registry (or other agency designated by the Regional NWP Office). After being directed by NWPP, the proponent then provides public Notice that the plans have been deposited by placing advertisements in two local papers and the *Canada Gazette* to invite public comment on the proposal.

All relevant issues concerning navigation may be presented directly to the proponent by NWPP. All comments concerning such issues from Branches, Programs and consulted NGOs, along with any comments received as a result of the public notification process are consolidated, assessed and ultimately used by NWPP to determine what, if any conditions, that might necessarily be attached to and form part of the Approval in order to minimize potential interference to navigation as a result of the placement of the work.

- ⇒ Only after all legal obligations and expert advice have been considered by TC, can NWPP render a decision regarding the issuance of its NWPA approval and FA authorization to proceed with installation of the proposed work.
- ⇒ Approvals issued under subsection 5(1) of the NWPA are subject to specific timeframes within which the construction of the approved work must commence and be completed. Further, such Approvals have a specific expiry date affixed to them. The owner of the work must thus reapply and obtain a new Approval on a regularly scheduled basis. These timeframes will be indicated within the NWPA Approval document and should be reviewed immediately upon receipt and strictly adhered to.

Not all of the above key stages are a requirement in all regions, nor are they necessarily conducted within the same authoritative body. For information pertaining to specific requirements in your region, please contact your TC Regional office (See Page 2 for contact info).

Roles and Responsibilities

The Navigable Waters Protection Program, Transport Canada

The *Navigable Waters Protection Act (NWPA)* is designed to protect navigable waters by regulating the construction of proposed works on those waters. As with all proposed 'works' under the NWPA, the Navigable Waters Protection Program assesses the potential impact of the proposed work and its operation upon navigation safety in proximity to the site.

In accordance with the *Act*, all persons wishing to place a proposed 'work' in the navigable waterways of Canada must first submit an application for approval to the Navigable Waters Protection Program. The structures associated with an aquaculture site (i.e. docks, wharves, slipways, pipelines etc.), are considered to be a 'work' under the *Act*. Therefore, proponents of aquaculture projects must fully complete and submit an application to the respective managing authority for aquaculture within their specific jurisdiction in order to obtain an approval under the *NWPA*.

Due to specific Provincial and Regional requirements, aquaculture application forms may differ from one managing authority to another. To ensure a timely response to your application, it is extremely important that the correct form for your particular Region is utilized. To obtain the proper form, contact the managing authority within your specific Region

(See page 8 for managing authority contact info and Annex 2 for a list of the type of information required within most Regions)

While analyzing an application, the Navigable Waters Protection Program assesses, among other things, the location, the site dimensions and the navigational markings required. NWPP conducts a Navigational Impact to evaluate the needs of the various users and determine any potential impacts to navigation that will result if the planned aquaculture facility is established at the proposed site.

The result of this assessment will, among other things, determine whether or not the proposed work should be exempted (subsection 5(2)), approved or approved with conditions (subsection 5(1)). Provisions are also made within the Act to provide Approvals for works not previously assessed (subsection 6(4)). These may also include conditions, which will form part of the Approval document.

When any proposed 'work' is determined to be subject to approval under sections subsections 5(1) or 6(4) of the NWPA, the *Canadian Environmental Assessment Act (CEAA)* is triggered. Most aquaculture works have the potential to interfere with navigation and require conditions of approval under the NWPA and thus trigger a thorough environmental review under CEAA.

In accordance with the NWPA, when subsections 5(1) or 6(4) apply, the proponent must deposit plans at a location to be determined by the Regional NWPP office, to allow for public view and comment. The proponent must then provide public notification that the plans have been deposited by placing an advertisement in the *Canada Gazette* and, at a minimum, in two local newspapers published in or near the locality where the proposed work is to be constructed.

The Navigable Waters Protection Program ensures that the plans and supporting information/documentation received are appropriate and in sufficient detail to fully describe the proposed work and its location and contacts the proponent to advise it of its responsibilities under the NWPA. Further, it provides the proponent with an advertising package to facilitate compliance with such requirements. This advertising package includes, as a minimum, a sample public Notice advertisement, affidavit, plans for deposit and *Canada Gazette* contact information, as well as any documentation required by the specific Regional managing authority concerned.

Following the last publication of the public Notice, one full month is allowed to members of the public to forward any comments or concerns related to marine navigation only, with respect to the impact of the project on marine navigation.

The sooner a proponent formally deposits plans and advertises in accordance with the instructions of the advertising package provided by NWPP, the quicker the review process may be completed and, if approved, a formal NWP Approval document issued

The proponent must return the sworn affidavit and the original public Notice advertisement as proof of publication to the Regional NWPP Office. (See Annex 1 for an example of the formal affidavit).

All comments received as a result of the public Notice process are considered prior to rendering a final decision with respect to approval. Any conditions identified as necessary to address navigational concerns will be attached to and form part of the formal NWPA Approval document.

For the work to remain legal, the proponent must comply with all the Conditions of Approval at all times. At any time during or after completion of construction of the work, NWPP Officers may conduct a site investigation to ensure compliance with the Approval and may initiate appropriate enforcement action, if deemed necessary.

Proponents are again reminded that all Approvals are issued for a specific period of time. It is the responsibility of the owner to ensure that a request for a new NWPA Approval is submitted to the managing authority well in advance of the Approval expiry date. Such request should include any proposed modifications (i.e. expansion, change of use / species, additional structures etc.) to the site and include the appropriate information required in order to provide for the proper assessment of such modifications in relation to the ongoing safety of navigation in the area. (Refer to Annex 2 for information requirements).

Environment Assessment Division (EAD), Transport Canada

EAD is responsible for ensuring that obligations under the *CEAA* are met and performs the required environmental assessment for all aquaculture projects. Within this context, EAD is responsible for coordinating the federal-level consultations, to complete the environmental assessment of the aquaculture project and, ultimately, for preparing the required Environmental Screening Report (ESR). In doing so, the EAD may consult a diverse group of interested federal departments and agencies (e.g. Parks Canada, Environment Canada, Canada Economic Development, etc.) to seek their expert advice in assessing certain aspects of a project.

For further information regarding obtaining and completing an aquaculture site approval application form, please contact the managing authority for your specific Region (see page 8 for contact info)

The information required by EAD to conduct this review is given in Annex 3. The proponent is responsible for collecting and presenting the data required by EAD to carryout this very important assessment.

Ultimately, the ESR prepared by the Environmental Assessment Division provides a detailed:

- Description of the existing status of the environment at the proposed site and the area immediately surrounding the site.
- Identification of the environmental characteristics of the project
- Assessment of the various potential impacts of the project on the environment

Mitigation measures pertaining to environmental concerns will be integrated into the final environmental review report and form part of the Letter of Advice issued by the Environmental Assessment Division.

All ESRs and public comments received as a result thereof may be reviewed electronically at the CEAA Internet website –

www.ceaa.gc.ca

A formal NWPA Approval will not be issued without receipt in advance of a positive Environmental Screening Report (ESR)

Habitat Management Program (HMP), Department of Fisheries and Oceans

Within the framework of the enforcement of the *Fisheries Act (FA)*, HMP ensures that all projects undertaken in an aquatic environment avoid any harmful alteration, disruption or destruction of fish habitat (HADD). Fish habitat includes breeding and spawning grounds, grow-out and feeding grounds and migratory routes on which, directly or indirectly, the survival of fish depends.

Science, Department of Fisheries and Oceans

Generally, aquaculture involves the introduction or transfer of aquatic organisms. When this is the case, the proponent must file an *Application for the Introduction or Transfer of Aquatic Organisms* as described in the National Code on Introductions and Transfers of Aquatic Organisms.

As defined within the Code, the introduction and transfer of aquatic organisms is the collection of aquatic organisms at one location and their intentional or accidental release at another location. The Code sets out precise procedures for the assessment of projects involving the introduction or transfer of aquatic organisms. In addition, the Code provide techniques to minimize the repercussions of such introduction or transfer on fisheries resources, fish habitat and farmed or aquaculture species.

Annex 3 details the type of information, which the proponent must provide the Science Sector, Fisheries and Oceans Canada, to ensure that the Department is able to conduct a thorough analysis of the Application for the Transfer of Aquatic Organisms.

Oceans Management Branch, Department of Fisheries and Oceans

In force since January 1997, Canada's *Oceans Act* provides for the implementation of the Marine Environment Quality Program, the Marine Protected Areas Program and the Integrated Management Program.

The Integrated Management Program impacts most directly upon the aquaculturist in that it raises citizens' and stakeholders' awareness of the proposed development and implementation of Management Plans within prescribed areas. These Management Plans take into account the needs and interests of all users in the development of an area ensuring, among other things, the harmonization of social, cultural, environmental and economic values. In so doing, the development of the targeted sector may be properly sustained.

Fisheries and Aquaculture Management, Department of Fisheries and Oceans

Part of DFO's mandate remains 'to manage and protect fisheries resources'.

To ensure sustainable resource exploitation, the Fisheries Management Branch verifies the presence of wild populations in the area for which an application is being submitted and identifies fishing activities and existing harvests in the area. It examines the potential impact such an application may have on both the commercial and recreational fishing activities it has identified and makes recommendations to protect the socio-economic stability in the project area. The

Fisheries Management Branch also ensures full compliance with Aboriginal peoples' constitutional rights and existing treaties.

DFO is also responsible for shellfish sanitation. Whenever an application for shellfish aquaculture is submitted, the Fisheries Management Branch ensures that the farm locale and siting meets the standards set out by the Canadian Shellfish Sanitation Program.

As a result of their review, Fisheries Management Branch may demand that a proponent reposition, or completely relocate, his proposed aquaculture facility in order to protect our valuable fishing resources, provide for their sustainable development and ensure maintenance of the highest level of site sanitation. If this results in any changes to the plans, consultation with the NWPP office will be necessary.

Timing

As can be seen by the extensive set of analyses which must be carried out by the various Branches within Fisheries and Oceans Canada and Transport Canada, processing an aquaculture site approval application is not a simple task. In order for the required analyses to be conducted in an appropriate manner, **a minimum of four to six months** is required to process an average application. Should the site layout or environment surrounding the site prove to be more complex than the norm, insufficient information is submitted to support the application, Regional seasonality or other outside conditions impact on the timeliness of TC site inspections, if required, additional processing time may be necessary.

The proponent can greatly expedite the approval process from the time of application by providing TC upon initial submission of an application with all the information necessary to properly analyze the proposal.

Proponents are encouraged to spend as much time as necessary in the preparation of their Application and supporting documentation. Attention to this aspect of the process could pay tremendous dividends in terms of the manner and timeliness with which the application can be completed.

From time to time, due to the complexity and unique characteristics of the proposed work, DFO or TC may find it necessary to contact the proponent for additional information or clarification of information already submitted. Failure to provide the information requested in a timely manner will greatly affect our ability to process your application.

Other Licenses/Permits

The proponent is responsible for obtaining all other necessary permits, approvals and authorizations from all federal, provincial and municipal bodies prior to placement of any proposed work in the water.

For Additional Information...

If you require any further information or clarification with respect to the contents of this document, please contact the Regional Navigable Waters Protection Office near you. (See page 2 for contact info)

ANNEX 1

SWORN AFFIDAVIT

Do not have soft copy
Will provide hard copy to consultant to insert

ANNEX 2

AQUACULTURE PROJECT APPLICATION INFORMATION REQUIREMENTS

The responsibility for receiving and coordinating the overall review of aquaculture project applications varies from Region to Region. The 'managing authority' for each Region provides an application form and requests information thereon based on the information requirements of all levels of government involved in reviewing project proposals within their jurisdiction.

It is thus extremely important that an applicant contact the managing authority for their specific region to obtain the application package specific to that Region for review and completion. A listing of these agencies complete with contact information may be found on Page 8 of this overview document.

While each Region will have its own specific information requirements indicated within their application package, the following key project information elements remain common within all Regions. As a minimum, every application submitted must include the following baseline information -

Proponent / Owner / Other Information

- Name of Proponent / Owner
- Mailing address
- Street address (if different from Mailing address)
- City / Town
- Province / Territory
- Postal Code
- Telephone number (Residence)
- Telephone number (Work)
- Telephone number (Other)
- Fax number
- E-mail address

Contractor / Agency / Consultant Information (if applicable)

- Name of Contractor / Agency / Consultant
- Mailing address
- Street address (if different from Mailing address)
- City / Town
- Province / Territory
- Postal Code
- Telephone number (Residence)
- Telephone number (Work)

- Telephone number (Other)
- Fax number
- E-mail address

Location of the Project / Physical Description of the Site

- Name of nearest community to the project (City, Town, Village)
- Municipality / District / County
- Legal description (Lot, Concession, Township, Section, Range)
- Name of watercourse (River, Lake, Bay)
- Access road to proposed work, if applicable (e.g. route number, highway series number or street name and number if within an urban area etc.)
- Location of the project – Latitude and Longitude coordinates in Degrees, Minutes, Seconds
- Topographic / Chart No. (as applicable)
- Hydrographic Chart Number (as applicable)
- Water lease or permit number (if applicable)
- Description of shoreline, if applicable (i.e. ground type, vegetation, slope, other – Note: enclose photographs)
- Description of watercourse bottom (i.e. sand, rock, mud, other – Note: enclose photographs)
- Average width and depth of waterway at the project site
- Type of navigation (recreational / commercial), if known

Description of the Project

- A detailed narrative description of the project (i.e. *'placement of an aquaculture work comprising x hectares for the purpose of cultivating xyz finfish for market sale'*)
- Proposed start date
- Proposed completion date
- Status of the project (i.e. new, existing, addition, repair)
- Identify whether or not the proposed work is permanent or temporary (seasonal)
- Type of culture (i.e. Bottom, Off Bottom or Suspended)

Additional Required Information and Attachments

- A detailed project description including a construction schedule and confirmation of compliance with by-laws
- Property ownership status (if you are not the owner, attach a letter of permission from the owner)
- A map or chart to show location of project
- A sketch or drawing of your project, including side and top view and showing dimensions of the project (length, width, depth, etc.)

- A detailed description of the construction, installation method, complete with diagrams, as applicable, and including any temporary structures / installations
- A survey plan or sketch with dimensions indicating the location of existing buildings, shoreline structures, property lines, high and low water marks, and adjacent properties
- Current photographs of the proposed work site, displaying shoreline, shoreline vegetation and watercourse bottom (substrate)
- A list of any materials that will be used in the proposed project
- A list of any equipment that will be used during the project
- Description of fish habitat that may be affected by the project (including migratory route, spawning, rearing areas, fish species present at the proposed site, etc.)

For further information regarding obtaining and completing an aquaculture site approval application form, please contact the managing authority for your specific Region (see page 8 for contact info)

Annex 3

Information Required for an Environmental Assessment Under the Canadian Environmental Assessment Act

BASIC INFORMATION REQUIRED FOR THE ENVIRONMENTAL ASSESSMENT OF MARINE AQUACULTURE PROJECTS

Please note that more detailed information is contained in the Interim Guide to Information Requirements for Environmental Assessment of Marine Shellfish Aquaculture Projects and the Interim Guide to Information Requirements for Environmental Assessment of Marine Finfish Aquaculture Projects (the section referred to is written between brackets). It is recommended that you refer to these guides when preparing information required for an environmental assessment under CEAA. A glossary is also available at the end of the Guides. Depending on the nature of the project, additional information may be requested when examining your application file.

PROJECT DESCRIPTION

Contact Information (2.1.1)

- Contact information including: proponent, consultant, telephone and fax numbers; e-mail, etc.)

Physical Location and Site Detail (2.1.2)

- Geographic coordinates and a topographic and/or hydrographic map showing the location of the proposed tenure, including a detailed sketch or plan (to scale).
- Description of the configuration of the site (surface area, access point, etc.)
- Other users (e.g., First Nations, recreational, commercial fisheries, etc.) in the area, including foreshore/shoreline areas.
- Environmentally sensitive areas in the vicinity (e.g., rearing or spawning habitat).
- Site-selection process, including opportunities and constraints.
- Whether the site adheres to regional or provincial siting guidelines with an explanation.

Design & Operational Plans (2.1.3)

Construction and Installation

- Labelled scale drawings and description of the proposed facility with all equipment (such as mooring system, walkways, anchors, long lines, floats, tables, trays, socks, rafts, predator nets, infrastructure, buoys, etc.), including foreseeable expansion plans.
- Description of installation, operation and harvesting activities.
- **Note:** Depending upon the type of aquaculture, additional information may be required, such as for bottom culture and near-bottom culture shellfish aquaculture. Refer to the Interim Guide to Information Requirements for Environmental Assessment of Marine Shellfish Aquaculture Projects for details.

Production

- The species and source, including spat collection technique and location.
- Reference license through Introductions and Transfers Committee(s) for the transfer of your stock from one location to another.
- Production levels and husbandry practices.
- Disposal procedures.

Fish Health Management

- Details of the fish health management plan (e.g., I&T code, use of vaccines, mortality management, etc.).

Ancillary Management

- Description of predator control methods.
- Description of antifouling methods.
- Description of hazardous and human waste management and disposal.

Decommissioning

- Description of decommissioning process.

Accidents & Malfunctions

- Description of plans to prevent and manage malfunctions or accidents that may occur during the installation, operation and decommissioning phases of the project (e.g., fuel spills, storm destruction, extraordinary loss of shellfish, etc.).

EXISTING ENVIRONMENT

Aquatic Environment (2.2.1)

Description of various parameters of the aquatic environment, including:

- Oceanographic conditions (e.g., water depths, currents, tides, etc.)
- Water Quality (e.g., temperature and oxygen profiles, Canadian Shellfish Sanitation Program classification, etc.).
- Currents (speed and direction).
- Benthos (e.g., visual, physical and chemical description). Note that requirements may vary depending upon the type of aquaculture – refer to the relevant Interim Guide to Information Requirements for Environmental Assessment of Marine Aquaculture Projects.

Biological Environment (2.2.2)

- Detailed description of other species (e.g., fish, birds, mammals) and habitat in the area and how those species use that habitat (e.g., spawning, feeding, etc.).
- Identify any species at risk in the area.
- Identify any protected areas such as National Wildlife Areas, parks, Migratory Birds Sanctuaries, Marine Protected Areas, etc.

Socio-Economic Environment (2.2.3)

- Description of other users in the area that may be affected by the project, such as fishing activities (e.g., commercial, Aboriginal or recreational fisheries), tourism operations, recreational activities (e.g., boating, diving, skiing, swimming, etc.), including comments from those users.
- Description of effects on aboriginal people and use of their lands for traditional purposes, including a summary of any discussions and correspondence.
- Description of anything of historical, archaeological, palaeontological, or architectural significance in the area.

Public Consultation (2.2.4)

- Information on any advertisements and public Notices regarding the proposed development, including the date(s) and sources (e.g., newspapers, radio; newsletters, etc.).
- Description of any public notification and consultation process, including names of contacts and dates of meetings or interactions. Summary of comments and recommendations received in support of or in opposition to the proposed venture. Indicate how the issues raised by these parties may be addressed.

Changes to the Project Caused by the Environment (2.2.5)

Identify any changes to the project that may be caused by the environment. Aspects of the environment, such as weather and climate, tides, toxic and non-toxic algal blooms, wind and wave effects, and ice, should be considered. Identify measures to be put into place to mitigate these changes. If available, provide a copy of any studies or supporting material, such as engineering reports.

Cumulative Environmental Effects (2.2.6)

Based on information provided and other available information, TC will assess the scope, likelihood and significance of adverse cumulative environmental effects associated with the proposed aquaculture project. The proponent may be requested to provide additional input to assist with the assessment of cumulative effects.

ANNEX 4

Aquaculture Work Markings

Typically, aquaculture works placed within Canada's waterways require navigation markings.

Determinations of the specific markings required for a given proposed work are based on standards that have been established in accordance with the following international agreements and Canadian statutes –

- International Association of Lighthouse Authorities (IALA)
- Canadian Aids to Navigation System
- Canada Shipping Act – Private Buoys Regulations

Each and every aquaculture site approval application is assessed on its own merit by qualified NWPP Officers against various factors, including but not limited to –

- The proposed location of the work
- Characteristics of the waterway concerned
- Use of the waterway by others
- Specific characteristics of the proposed work
- Local weather conditions
- The skill, equipment and experience of navigators in the area
- All other works located within the lease boundary (**Note: where marking the tenure boundaries may increase interference to navigation, marking of perimeter works only may be acceptable**)
- Other works located in close proximity to the proposed work
- Type and density of navigation (diurnal/nocturnal) in the surrounding area

After completion of the assessment by the NWPP Officer, a formal approval may be issued under subsection 5(1) of the NWPA. Attached to and forming part of any approval issued is a set of conditions applicable to the approved work which must be adhered to by the proponent. These conditions may include, among other things –

- Buoy type, size and colour requirements
- Buoy placement distance requirements
- Light requirements
- Retro reflective tape requirements
- Radar reflectors
- Sound signal requirements
- Etc.

Attached within this Annex are a number of examples of aquaculture site markings reflecting basic navigational aid requirements for such sites depending on where

they are to be situated (i.e. isolated bay, open water, near-shore or narrow channel). They are provided as an example of a typical layout only. If the project is approved, specific requirements in relation to your particular site will be attached to and form part of your specific NWPA Approval document, if granted.

Ultimately, responsibility for making the final determination of requirements for each site is that of the NWPP Officer based on the assessment criteria noted herein and any other factor(s) the Officer feels has an impact towards ensuring the ongoing safety of navigation in the area

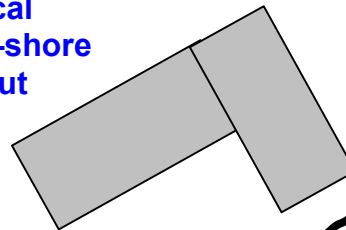
ANNEX 4

Typical Aquaculture Site Locations

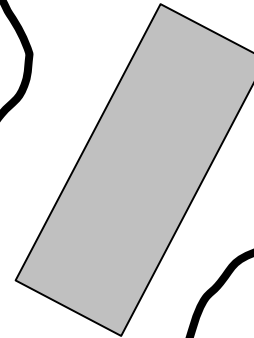
Annex 4-B
Typical
Open Water
Layout



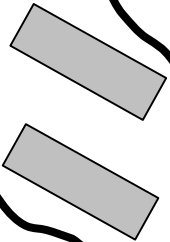
Annex 4-C
Typical
Near-shore
Layout



Annex 4-A
Typical
Isolated
Bay Layout

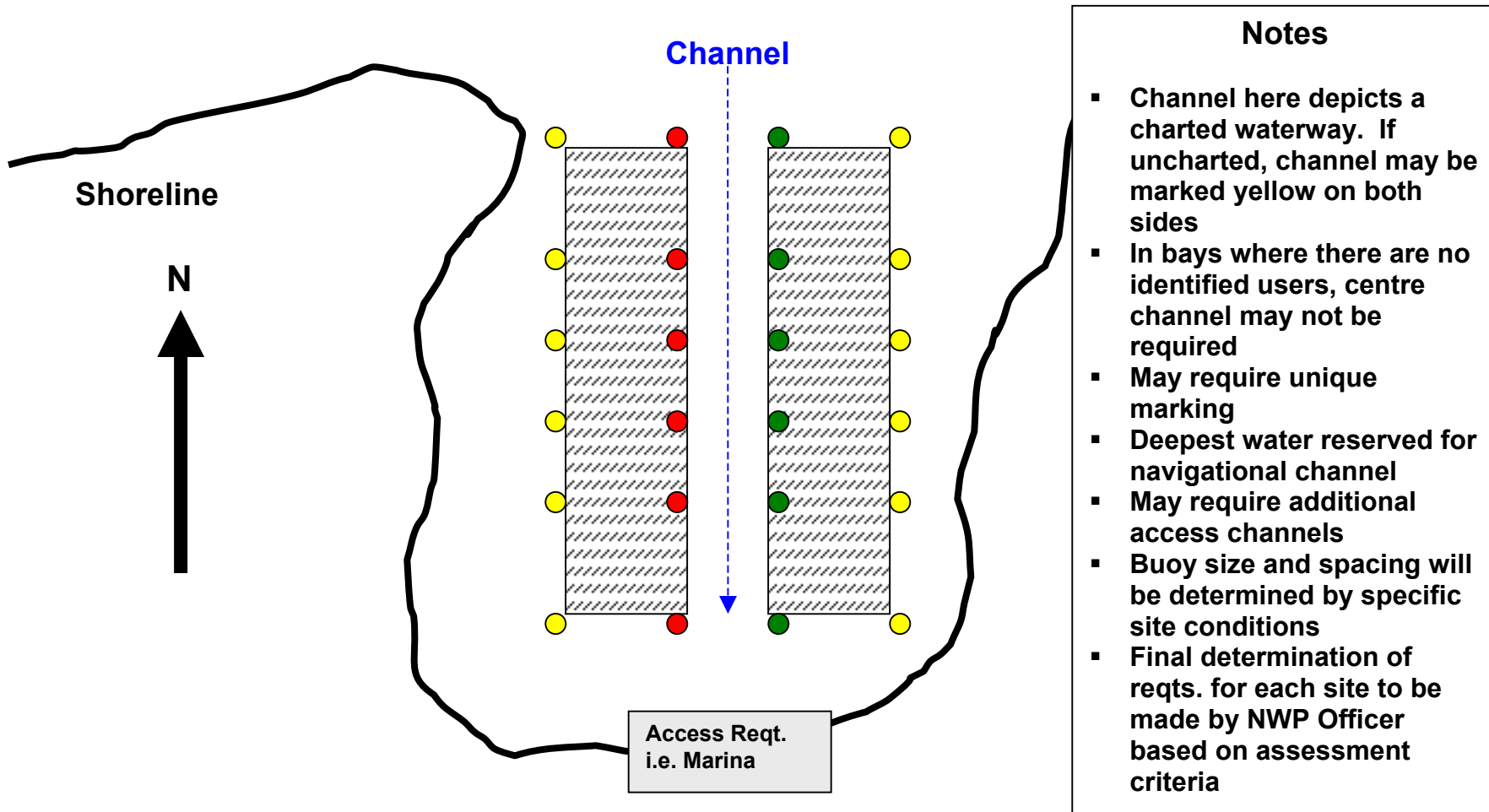


Annex 4-D
Typical Narrow
Channel Layout



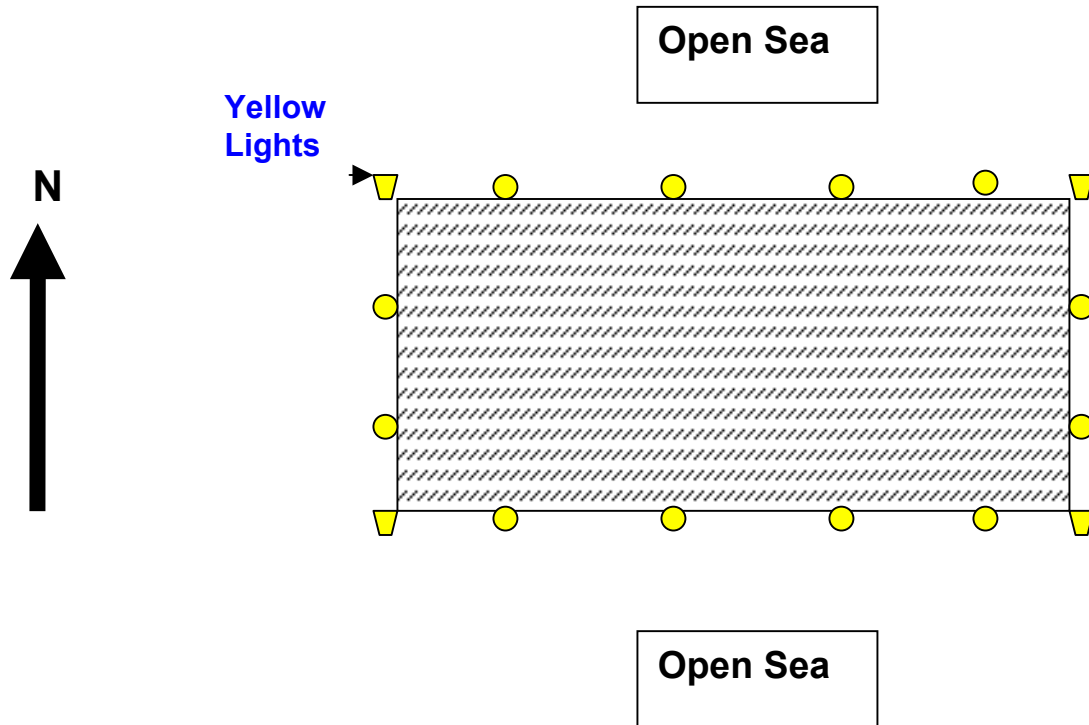
ANNEX 4-A

Typical Isolated Bay Layout



ANNEX 4-B

Typical Open Water Layout

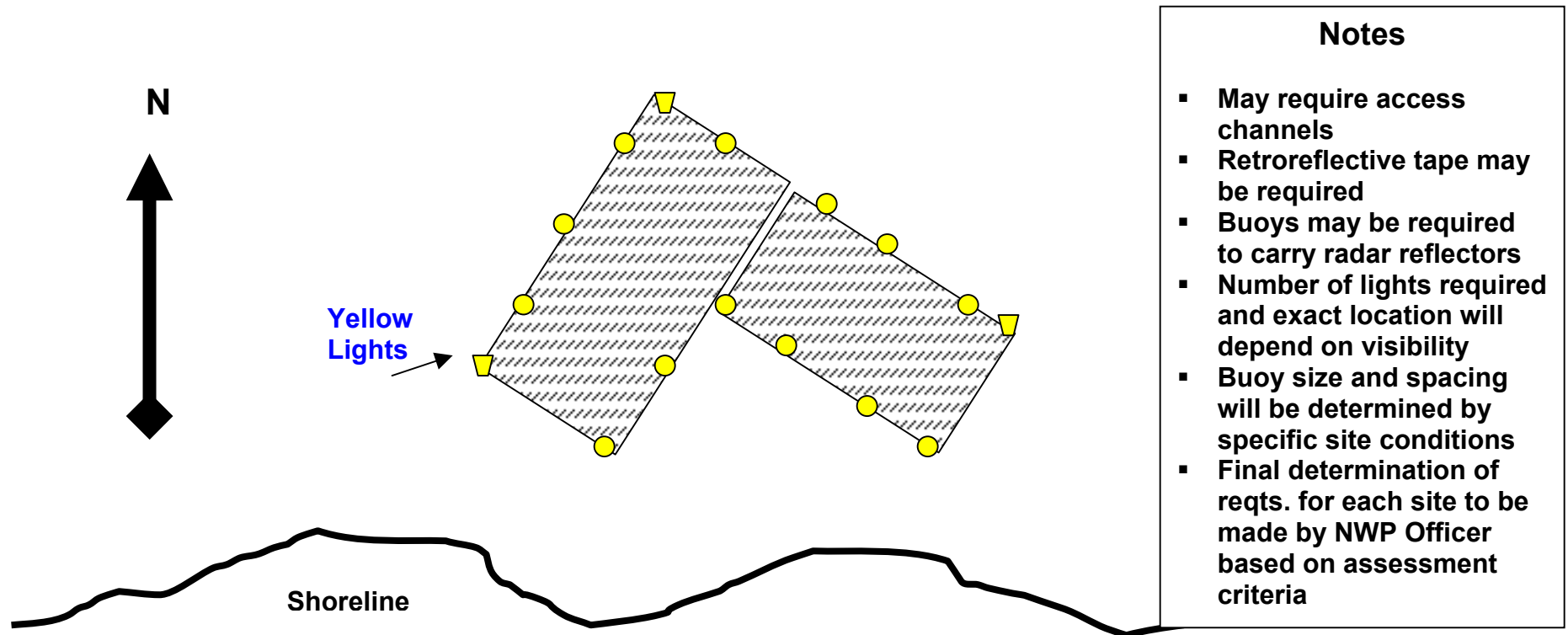


Notes

- Retroreflective tape may be required
- Buoys may be required to carry radar reflectors
- Number of lights required and exact location will depend on visibility
- Buoy size and spacing will be determined by specific site conditions
- Final determination of reqts. for each site to be made by NWP Officer based on assessment criteria

ANNEX 4-C

Typical Near-shore Layout



Notes

- May require access channels
- Retroreflective tape may be required
- Buoys may be required to carry radar reflectors
- Number of lights required and exact location will depend on visibility
- Buoy size and spacing will be determined by specific site conditions
- Final determination of reqts. for each site to be made by NWP Officer based on assessment criteria

ANNEX 4-D

TYPICAL NARROW CHANNEL LAYOUT

