

Findings and Decision - Amendment Application of Philip Docker for AQ#1369

1. Overview:

On February 4, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Philip Docker (Shandaph Oyster Co. Inc.), to amend Aquaculture Licence and Lease #1369 (AQ#1369), as described below:

Table 1. Description of Aquaculture Licence and Lease #1369

Type: Marine	Current Size: 22.85 HA
Number: AQ#1369	Current Cultivation Method: Bottom Shellfish Cultivation with Gear, Bottom Shellfish Cultivation Without Gear
Applicant: Philip Docker (Shandaph Oyster Co. Inc.)	Current Species: American oyster, Bay quahog, Bay scallop
Location: Cameron's Cove, Merigomish Harbour, Pictou County	Proposed Amendment: Authorize Suspended Shellfish Cultivation Method and Authorize the cultivation of additional species - Razor clam

2. History

AQ#1369 was issued on September 14, 2012 to Philip Docker for a ten year term (September 1, 2012 to August 30, 2022).

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their amendment application was completed. This review recommended that the site be amended based on the technical and biological assessment. This performance review is required pursuant to Subsection 72(d) of the Aquaculture Licence and Lease Regulations, and was completed on February 16, 2021.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1369 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of November 5, 2020 to December 4, 2020. Notice of the application was also published in the Royal Gazette Part I on November 4, November 11, November 18 and November 25, 2020.

3.3 Submissions

Zero submissions were received by NSDFA during the 30-day public comment period.

4. **Factors to be considered**

AQ#1369 is operated jointly with AQ#1086 which is located in the same harbour approximately 1km apart. Review of the file indicates that the site has had consistent employment, and maintains a steady inventory. Ice and/or storm influence have been reported for this site since 2015. This site can experience ice coverage as it is in open water. The applicant acknowledges their need to account for harsh weather events with managing husbandry practices and crop planning. This site has been successful despite the changing environment. The operation of their two leases together provides more options and security than if they just farmed one lease or farmed them separately. The operator's other site AQ#1086, was amended and approved for the addition of Razor clams in 2015. The information in support of the amendment suggests continued production is planned for this site and continued employment. Department staff will continue to monitor that production plans are implemented as submitted.

Addition of the Suspended culture method will allow the operator to access nutrient and energy rich waters of the upper water column, as well as increase efficiencies and production due to greater lease area utilization and the nature of suspended gear. The fulfillment of the request will allow the operator to continue to grow production and help further develop efficiencies in their husbandry practices, grow-out and harvesting between their two leases. The operator intends to: increase their seed sales and quality and consistency of this seed; increase social awareness of sustainable shellfish farming; help and encourage new entrants into the industry; and continue to support and create secondary and tertiary industries, when possible. The farm is identified as an off-grid solar powered shellfish operation, from seed production to harvesting through to packaging in their federally registered plant.

The operator plans to mitigate the visual impact of the sites through the use of different gear types, the type of growth units and trying to reduce the visual impacts where upland property owners are concerned through gear type selection and growth unit selection. They have access corridors on both of their sites to provide access to other users of the harbour. The operator of AQ#1086 will be required to adhere to the navigation requirements of the *Canadian Navigable Waters Act*, including necessary site marking requirements.

The Farm Operations section of the Farm Management Plan for AQ#1369 will require the operator to indicate how they will operate in accordance with industry best practices with respect to maintaining the site in good order, the removal of decommissioned farm supplies and equipment, and the retrieval of gear or debris that has broken loose. Also, the Farm Management Plan must include wildlife interaction strategies to mitigate impacts on, and from, wildlife in the area of the site. The operator will be required to adhere to the *Migratory Birds Convention Act* and associated regulations, and ensure that activities comply with the Act and Regulations. The prohibitions under *Species at Risk Act* (SARA) are currently in effect, and the operator is

required to maintain compliance with the Act. The Aquaculture Activity Regulations (AAR) under the *Federal Fisheries Act*, apply to the operation of a licenced aquaculture lease and constitute the authorization and set the conditions for compliance with Sections 35 and 36 of the *Federal Fisheries Act*.

There are no recorded instances on file of AQ#1369 interfering with other users of the public waters surrounding the operation. There were no major or outstanding non-compliance issues with this site. According to the CSSP website the area is open and approved for harvesting of all species of bivalve mollusks. The review of the application noted that there are no expected impacts on fisheries activities as a result of the amendment of this lease and licence. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. Their total operation uses such a small percentage of the harbour, were the commercial fishers are not adversely affected. AQ#1369 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture will have impacts on the sustainability of wild salmon.

AQ#1369 is located in Cameron's Cove, Merigomish Harbour, Pictou County and is located immediately adjacent to the shoreline. The operator's other site, AQ#1086, is approximately 1km away. There are currently a total of ten (10) lease sites operating in the body of waters known as Merigomish Harbour. There is no evidence to suggest that the extent of existing aquaculture sites within the bay has exceeded the carrying capacity of the bay.

5. Decision

Based on the considerations above, Aquaculture Licence #1369 and Lease #1369 shall be amended to authorize Suspended Shellfish Cultivation Method and to authorize the cultivation of Razor clam (*Ensis directus*). Except as expressly amended, Licence #1369 and Lease #1369 shall continue in full force and effect.

The Licence and Lease amendment documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publicly available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

February 26, 2021

Date