

## **Findings and Decision - Renewal Application of We'koqma'q First Nation for AQ#0193**

### **1. Overview:**

On October 26, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from We'koma'q First Nation to renew Aquaculture Licence and Lease #0193 (AQ#0193), as described below:

Table 1. Description of Aquaculture Licence and Lease #0193

<b>Type:</b> Marine	<b>Size:</b> 6.66 HA
<b>Number:</b> AQ#0193	<b>Cultivation Method:</b> Marine Cage
<b>Applicant:</b> We'koma'q First Nation	<b>Species:</b> Atlantic salmon, Rainbow trout, Blue mussel, American oyster, Brook trout, Arctic char
<b>Location:</b> Denas Pond, Inverness County	<b>Proposed Term:</b> 10 year Licence/20 year Lease

### **2. History**

AQ#0193 was first issued to St. Peters Fish Hatchery Limited on June 20, 2011 for a ten year term (May 13, 2011 to May 12, 2021). AQ#0193 was assigned on July 22, 2019 from St. Peters Fish Hatchery Limited to Waycobah First Nation Band Council.

### **3. Procedure**

#### *3.1 Performance Review*

A performance review of the information submitted by the operator in support of their renewal application was completed. This review recommended that the site be renewed 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 March 29, 2021.

#### *3.2 Public Comment Period*

Notice of the application for the renewal of AQ#0716 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of January 28, 2021 to February 26, 2021. Notice of the application was also published in the Royal Gazette Part I on January 27, February 3, 10 and 24, 2021.

#### *3.3 Submissions*

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

### **4. Factors to be considered**

AQ#0193 is located in Dena's Pond, Inverness County, in the nearshore environment. There are no existing aquaculture sites within 10.0 km of AQ#0193, with two proposed sites (We'koma'q First Nation) located within 10.0 km. The secluded nature of AQ#0193 from the main body of

the Bras d'Or lakes mitigates concerns relating to navigation. The site was assigned to the applicant in 2019. This site is part of the applicant's larger development plans to expand its Rainbow trout productions in Cape Breton, NS. Should AQ#0193 not be operated as planned, the Department's site utilization review provisions will be implemented.

Seed source and feed will utilize local sources in Nova Scotia. The renewal of this site will support the opportunity for new infrastructure to be built locally or within the Province as part of a larger expansion plan.

The renewal application did not anticipate any changes to impacts on fisheries activities. The operator of AQ#0193 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#0193 will require the operator to indicate how they will operate AQ#0193 in accordance with industry best practices with respect to items such as interactions with wildlife, noise, maintain the site in good order, the removal of decommissioned farm supplies and equipment, and the retrieval of gear or debris that has broken loose. Any complaints received by the Province of Nova Scotia specific to a particular aquaculture site are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary. Additional information on Farm Management Plan requirements can be found at: <https://novascotia.ca/fish/documents/compliance-documents/Minimum-compliance-requirements-Marine-Finfish.pdf>

The Aquaculture Management regulations include regulatory compliance points with regards to aquatic animal health management. The operator is required to have comprehensive aquatic animal health procedures in place as part of the Farm Management Plan and is also required to adhere to the reporting and notification provisions regarding aquatic animal health management. The Farm Management Plan must include elements relating to finfish husbandry and welfare, veterinary care and disease surveillance practices, biosecurity measures, and emergency measures. The Containment Management Monitoring section of the Aquaculture Management Regulations require mandatory notification to the Department of breach events. In the event of an escape, the operator would be required to adhere to measures prescribed in the Farm Management Plan and in Regulation on escape reporting, auditing and mitigation.

The review of the application noted that there are no changes to the impacts on fisheries activities as a result of the renewal 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. The information reviewed during the review of the application did not indicate adverse impacts on the surrounding public waters.

Salmon run rivers have been researched and described in the application. Skye River, Middle River and Baddeck River are the closest rivers within 13-15 km of the site. Activities to support the sustainability of wild salmon have been described, including ongoing activities to support containment management. Salmon populations in Middle River and Baddeck River are enhanced through a Provincial stocking program. The site will be required to meet the containment

requirements of the Aquaculture Management Regulations and those required for BAP certification.

## **5. Decision**

Based on the considerations above, Aquaculture Licence #0193 shall be renewed for a period of ten years (May 13, 2021 to May 12, 2031) and Aquaculture Lease #0193 shall be renewed for a period of twenty years (May 13, 2021 to May 12, 2041).

The Licence and Lease 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*.

## **6. Conditions**

In addition, the following condition shall apply:

The operator shall adhere to the following site marking requirements:

- a) Mark all corners of the leased site with cautionary yellow buoys of a minimum of 60cm in diameter;
- b) Mark all corners of the leased bottom with cement blocks of similar devices of a weight sufficient to ensure the cement block or device remains in place at all times; and
- c) Display the lease number at 1 corner of the leased area.



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**Nova Scotia Department of Fisheries and Aquaculture**

April 1, 2021

**Date**