

Findings and Decision - Amendment Application of Kenneth R. Fraser for AQ#1368

1. Overview:

On April 16, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Kenneth R. Fraser to amend Aquaculture Licence and Lease #1368 (AQ#1368), as described below:

Table 1. Description of Aquaculture Licence and Lease #1368

Type: Marine Shellfish	Size: 4.86 HA
Number: AQ#1368	Current Cultivation Method: Bottom cultivation without gear method
Applicant: Kenneth R. Fraser	Species: American oyster, Bay quahogs
Location: Merigomish, Pictou County	Proposed Amendment: Bottom cultivation with gear on a portion of the site and suspended cultivation

2. History

AQ#1368 was first issued on November 21, 2012 for a ten year term (October 15, 2012 to October 14, 2022).

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 June 8, 2021.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1368 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 February 3, 10, 17 and 24, 2021.

3.3 Submissions

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

4. Factors to be considered

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 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.

The Farm Management Plan had previously been conditionally approved. The conditional approval was predicated on the operator submitting an amendment application to address historical use of bottom cultivation with gear on site. The use of gear on the bottom can allow for the operator to hold product to meet operational needs.

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.

The operator 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 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#1368 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#1368 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#1368 is located in Merigomish Harbour, immediately adjacent to the shoreline. 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 #1368 and Aquaculture Lease #1368 shall be amended to authorize bottom shellfish cultivation with gear on a portion of the site and suspended cultivation. Except as expressly amended, Licence#1368 and Lease #1368 shall continue in full force and effect

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 site marking requirements according to their Notice of Works issued by Transport Canada under the *Canadian Navigable Waters Act*, reference number NPP#2011-200194.



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

July 5, 2021

Date