

## **Findings and Decision - Amendment Application of Rod Beresford for AQ#1108**

### **1. Overview:**

On April 1, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Rod Beresford to amend Aquaculture Licence and Lease #1108 (AQ#1108), as described below:

Table 1. Description of Aquaculture Licence and Lease #1108

<b>Type:</b> Marine Shellfish	<b>Size:</b> 3.84 HA
<b>Number:</b> AQ#1108	<b>Current Cultivation Method:</b> Bottom shellfish cultivation without gear
<b>Applicant:</b> Rod Beresford	<b>Species:</b> American oyster
<b>Location:</b> Lochmore Harbour, Cape Breton County	<b>Proposed Amendment:</b> Authorize Bottom shellfish cultivation with gear and suspended shellfish cultivation

### **2. History**

AQ#1108 was first issued to Clint Fraser on November 8<sup>th</sup>, 1999 for a ten-year term (November 8, 1999 to November 8, 2009). AQ#1108 was amended on February 6<sup>th</sup>, 2002 to correct hectare size. On August 18, 2019, AQ#1108 was renewed for a five-year term from November 8, 2009 to November 7<sup>th</sup>, 2014. AQ#1108 was assigned on February 23, 2012 from Clint Fraser to Rod Beresford. AQ#1108 was renewed on August 6, 2014 for a five-year term from November 7<sup>th</sup>, 2014 to November 7<sup>th</sup>, 2019. AQ#1108 Licence was renewed on November 29, 2019 for a ten year term (November 7, 2019 to November 7, 2029) and Lease was renewed on November 29, 2019 for a twenty year term (November 7, 2019 to November 7, 2039).

### **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(c) of the Aquaculture Licence and Lease Regulations and was completed on July 27, 2021.

#### *3.2 Public Comment Period*

Notice of the application for the amendment of AQ#1108 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of May 20, 2021 to June 18, 2021. Notice of the application was also published in the Royal Gazette Part I on May 20, May 27, June 2, June 10, and June 17, 2021.

#### *3.3 Submissions*

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

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

AQ#1108 is located in waters which are MSX positive as such there has been no production on this site in recent years. On-going efforts to address the issue of MSX in the Bras d'Or Lakes could lead to AQ#1108 coming into full production. Oyster aquaculture is an important sector of the Nova Scotia aquaculture sector, and AQ#1108 coming into full production would have a positive impact on the local and provincial economy.

The performance review and subsequent public comment period did not note the presence of other fishery activities in the area of the site. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. AQ#1108 is authorized for the bottom cultivation of shellfish without gear, and as such there is no gear permitted within the boundaries of the lease which mitigates concerns pertaining to navigation.

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*.

AQ#1108 is located in the nearshore environment and is one of two issued aquaculture sites in Lochmore Harbour and is located approximately 50 metres from the nearest aquaculture operation (AQ#0280 – also issued to Rod Beresford). There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area. AQ#1108 is licensed for shellfish aquaculture, and there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

#### **5. Decision**

Based on the considerations above, Aquaculture Licence and Lease #1108 shall be amended to authorize Bottom Cultivation with Gear and Suspended Cultivation Method of American oyster (*Crassostrea virginica*). Except as expressly amended, Licence and Lease #1108 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# 2020-202086.



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**Nova Scotia Department of Fisheries and Aquaculture**

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**Date**