

# Decision on Application to Amend a Marine Aquaculture Licence and Lease

## Application to the Administrator:

On January 23, 2019, the Nova Scotia Department of Fisheries and Aquaculture (the “Department”) received an application to amend Aquaculture Licence and Lease #1347 (AQ#1347), as described below:

## Application Summary:

<b>Type:</b> Marine Shellfish	<b>Size:</b> 1.30 HA
<b>Number:</b> AQ#1347	<b>Cultivation Method:</b> Bottom cultivation with gear
<b>Applicant:</b> Brian Lewis and Dale Webb	
<b>Location:</b> Caribou Harbour, Pictou County	<b>Species:</b> American oyster
<b>Proposed Amendment:</b>	
<ul style="list-style-type: none"> <li>• Authorize suspended cultivation method of American oyster</li> <li>• Authorize bottom cultivation with gear method and suspended cultivation method of Bay quahog</li> <li>• Change site boundaries (no increase in size)</li> </ul>	

## Site History:

AQ#1347 was first issued to Basil Tibbo and Dale Webb in September 2009, for a ten year term (August 10, 2009 to August 9, 2019). On January 30, 2012, AQ#1347 was assigned to Brian Lewis and Dale Webb. On October 19, 2012, AQ#1347 was amended to increase the size of the Licence and Lease area and authorize the bottom cultivation with gear on a portion of the site.

## Performance Reviews Conducted by Administrator:

A performance review was conducted on the aquacultural operation of site AQ#1347, pursuant to Sections 71-72 of the *Aquaculture Licence and Lease Regulations* (the “Regulations”). There were no concerns raised following the performance review.

## Consultations on Application to Administrator:

AQ#1347 was sent for consultation to the following departments or agencies of the Government of Nova Scotia, pursuant to Clause 40(1)(a) of the Regulations:

Environment & Climate Change, Agriculture, Communities Culture Tourism & Heritage (CCTH), Office of L'Nu Affairs (OLA), Natural Resources & Renewables and Municipal Affairs.

AQ#1347 was sent for consultation to the following departments or agencies of the Government of Canada, pursuant to Clause 40(1)(b) of the Regulations:

Fisheries & Oceans Canada (DFO), Canadian Food Inspection Agency (CFIA), Transport Canada (TC), Environment & Climate Change Canada (ECCC), Canadian Wildlife Services (CWS).

### **Public Submissions on Application to Administrator:**

Pursuant to Section 41 of the Regulations, notice of the application was published on the Department's website and in the Royal Gazette Part I inviting the public to submit written comments on the application to the Administrator within the 30 days following the date the notice was published. This notice was published on August 12, 2021.

Zero (0) submissions were received by the Department during the 30-day public comment period.

### **Factors to be Considered (as set out in Section 3 of the Regulations):**

#### *The optimum use of marine resources*

The amendment application for AQ#1347 was submitted to adjust the site boundaries, without increasing the size, to allow for the site to be located in optimum depth to allow for full site utilization. The amendment application was also submitted to authorize the suspended cultivation method of both American oyster and Bay quahog, which was proposed to occur in the deeper waters within the proposed site boundaries. The amendment application was also submitted to authorize the bottom cultivation with gear method of Bay quahog for depuration. Review of the file indicates that the site has had production and employment in recent years. The information in support of the amendment application suggests continued production is planned for this site and continued employment. Department staff will continue to monitor that production plans are implemented as submitted and that the site is utilized for Aquaculture.

#### *The contribution of the proposed operation to community and Provincial economic development*

The species and methods of cultivation authorized for this site are suitable for this area and are expected to be a positive contribution to the local and provincial economy. The applicant uses equipment sourced locally where possible and has committed to use local suppliers where possible.

*Fishery activities in the public waters surrounding the proposed aquacultural operation*

The amendment was assessed to consider any potential impact to fishery activities within and surrounding the new proposed boundaries of the site. There was no indication that this amendment would impact any specific fishery activities.

*The oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation*

The proposed boundary and gear changes will allow the applicant to grow oysters in suspended gear in a suitable location. These culture methods are common and successful along the North Shore, which suggests suitable oceanographic environment for culture of shellfish such as Oysters and Quahogs. The site is in an open area, classified under the Canadian Shellfish Sanitation Program.

Assessment of the information in support of this application identified the presence of Eel grass (*Zostera marina*) within the new proposed boundaries of the site, with more dense beds occurring at a water depth of 5 or more meters. The Department of Fisheries and Oceans Canada (DFO) has provided the applicant with recommended measures to avoid and mitigate the potential for prohibited effects to fish and fish habitat (in the event the application is subsequently approved). DFO indicated that, provided the measures are incorporated into the applicant's Farm Management Plans, the proposed amendment is not likely to result in the contravention of the *Fisheries Act*, *Species at Risk Act* and *Aquatic Invasive Species Regulations* prohibitions and requirements.

*The other users of the public waters surrounding the proposed aquacultural operation*

Impacts to other users have been considered. There will be minor impacts to pleasure crafts as navigation will not be possible specifically where cages will be located. Mitigation strategies have been provided by the applicant which were determined to be reasonable. The proposed amendment is not expected to have an unacceptable level of impact to wildlife or wildlife habitat, provided that waste material is disposed of properly. The applicant has been provided with strategies to mitigate impact to sensitive species and other migratory birds.

*The public right of navigation*

The amendment was assessed to consider any potential impact to the public right of navigation within and surrounding the new proposed boundaries of the site. The proponent has indicated that steps will be taken to allow adequate distance between the lines (of product) for small craft navigation. 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#2009-200206.

*The sustainability of wild salmon*

There is no indication that operation of the site for shellfish aquaculture will pose ecological concerns or have an impact on the sustainability of wild salmon.

*The number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation*

AQ#1347 is located in Caribou Harbour, Pictou County. There are a total of 4 aquaculture sites within Caribou Harbour, with the nearest site being approximately 1 kilometer South (AQ#1380). There is no evidence to suggest that the extent of existing aquaculture in the harbour has exceeded the carrying capacity.

**Decision:**

Based on the factors considered above, AQ#1347 shall be amended to authorize suspended cultivation method of American oyster, authorize bottom cultivation with gear method and suspended cultivation method of Bay quahog and to change site boundaries with no increase in size.

Except as expressly amended, AQ#1347 shall remain unchanged in full force and effect, including any terms and conditions. Documents shall be prepared to effect the above-approved amendments respectively to the Licence and Lease, in accordance with the Department's standard operating documents 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

November 3, 2022

Date