

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

## Application to the Administrator:

On January 25, 2019, the Nova Scotia Department of Fisheries and Aquaculture (the “Department”) received an application to amend Aquaculture Licence and Lease #1386 (AQ#1386), as described below:

## Application Summary:

<b>Type:</b> Marine	<b>Size:</b> 8.16 HA
<b>Number:</b> AQ#1386	<b>Cultivation Method:</b> Bottom cultivation without gear
<b>Applicant:</b> Future Seafoods Inc.	
<b>Location:</b> Tracadie, West Arm, Antigonish County	<b>Species:</b> American oyster
<b>Proposed Amendment:</b> <ul style="list-style-type: none"><li>Authorize bottom cultivation with gear method</li></ul>	

## Site History:

AQ#1386 was first issued to Brian Howard on February 17, 2015, for a ten-year term (November 1, 2014 to November 1, 2024). The Licence and Lease were assigned from Brian Howard to Future Seafoods Inc. on November 26, 2020.

## Performance Reviews Conducted by Administrator:

A performance review was conducted on the aquacultural operation of site AQ#1386, 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:**

The application 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: Communities Culture Heritage (CCH) and Office of L'Nu Affairs (OLA).

The application 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 June 24, 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 applicant's development plan demonstrates an optimum use of marine resources. 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.

*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 amendment to add the bottom cultivation with gear method will allow the applicant to store shellfish in a suitable location on the site. This culture method is common and successful along the North Shore. This site is relatively shallow and prone to damage by ice in the winter. However, with the proposed amendment, the applicant would be able to transfer their product to another site thereby mitigating this potential issue.

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

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.

Recommendations were provided by several departments or agencies of the Government of Canada and the Government of Nova Scotia, to mitigate any potential impacts to other users including wildlife. These recommendations were shared with the operator.

*The public right of navigation*

The operator shall adhere to the site marking requirements according to their Notice of Works to be issued by Transport Canada under the *Canadian Navigable Waters Act*, reference number NPP#2012-200389, should their application be approved.

*The sustainability of wild salmon*

There is no indication that continued 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*

Site AQ#1386 is located within the body of water nearest to West Arm Tracadie. The nearest aquaculture site is approximately 2 kilometres to the South-East in a different harbour (Tracadie Harbour), AQ#0524, issued to Roger Myette. There is no evidence to suggest that the extent of the existing aquaculture in the harbour has exceeded the carrying capacity.

**Decision:**

Based on the factors considered above, AQ#1386 shall be amended to authorize bottom cultivation with gear method in accordance with the applicant's proposal. Except as expressly amended, AQ#1386 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*.



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Robert Ceschiutti  
Aquaculture Administrator  
Nova Scotia Department of Fisheries and Aquaculture

November 14, 2022

Date