

Findings and Decision - Amendment Application of K&N Fisheries Limited for AQ#1047

1. Overview:

On September 10, 2019, the Nova Scotia Department of Fisheries and Aquaculture (the “Department”) received an application from K&N Fisheries Limited to amend Aquaculture Licence and Lease #1047 (AQ#1047), as described below:

Table 1. Description of Aquaculture Licence and Lease #1047

Type: Marine Shellfish	Size: 10.0 Ha
Number: AQ#1047	Cultivation Method: Suspended shellfish method
Applicant: K&N Fisheries Limited	Species: Blue Mussel, Giant sea scallop
Location: Port La Tour, Shelburne County	Proposed Amendment: Addition of species: American oyster

2. History

AQ#1047 was first issued for a ten-year term from February 20, 1998 to February 19, 2008 to K&N Fisheries Limited for the suspended cultivation of Giant sea scallop. AQ#1047 was amended on September 4, 2003 to include the cultivation of Blue mussel. AQ#1047 was subsequently renewed for a five-year term from February 20, 2008 to February 19, 2013 and again on March 13, 2013 for a five-year term from February 19, 2013 to February 19, 2018. On August 7, 2015, AQ#1047 was discontinued. On July 19, 2019, AQ#1047 was reinstated with a term from April 8, 2019 to May 15, 2021. AQ#1047 Licence was renewed on May 19, 2022 for a ten-year term (May 16, 2021 to May 15, 2031). AQ#1047 Lease was renewed on May 19, 2022 for a twenty-year term (May 16, 2021 to May 15, 2041).

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 July 26, 2022.

3.2 Network Review

AQ#1047 was sent for review on November 8, 2019 to the following agencies: Fisheries and Oceans Canada, Canadian Food Inspection Agency, Environment and Climate Change Canada and Office of L’nu Affairs. Responses were taken under consideration for this decision.

3.3 Public Comment Period

Notice of the application for the renewal of AQ#1047 for the 30-day public comment period was published on the Department’s website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of July 9, 2020 to August 7, 2020. Notice of the application was also published in the Royal Gazette Part I on July 8, 15, 22, 29 and August 5, 2020.

3.4 Submissions

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

4. **Factors to be considered**

This application is specific to the proposal to add an additional species of shellfish (American oyster) to the current roster of approved shellfish species. There is no proposed change to the site boundaries or the method of cultivation currently licensed.

The addition of another shellfish species would aid in the operator ensuring that the site is being utilized optimally. AQ#1047 has had cyclical production over the past number of years, largely due to impacts of invasive species and predators on production. Should the site not be operated as planned, the Department's site utilization review procedures will commence.

K&N Fisheries Ltd. currently operates a local processing facility. The addition of American oyster would contribute to the growth of that business and would support the local economy.

The information received following consultations with departments and agencies of the Government of Nova Scotia and the Government of Canada did not note the presence of other fishery activities specific to the area of the site that would be affected by this amendment. There were no ecological concerns identified with respect to negative impacts on other fisheries.

A review of the oceanographic environment indicates that the site is located in an area that is sheltered and deep enough to mitigate issues related to low water temperatures and the potential of ice formation. American oyster culture has been proved successful in similar environments such as the Eastern shore of Yarmouth County. The requirement of the operator to submit annual reports of loss (including the cause of) will ensure that the Department remains aware of the actual viability of this location. The area is currently "open" under the Canadian Shellfish Sanitation Program; however the area has been closed as recommended by CFIA as no biotoxin testing is currently taking place due to no product being on site.

To ensure the public right of navigation is not impeded, the operator is required to adhere to the site marking requirements according to their Notice of Works issued by Transport Canada under the *Canadian Navigable Waters Act*.

There is no evidence that the amendment of AQ#1047 will have impact on the sustainability of wild salmon. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

AQ#1047 is located in Port la Tour Harbour, Shelburne County, approximately 600 metres from the shoreline of Upper Port la Tour and approximately 350 metres from the shoreline of John's Island. The nearest aquaculture site to AQ#1047 is AQ#1029, which is approximately 16 km away and located in a separate body of water. The physical separation of AQ#1047 from the shoreline and neighboring sites provides for multiple navigation corridors within the harbor. There is no evidence to suggest that the extent of existing aquaculture in the harbor has exceeded the carrying capacity of the harbor.

5. Decision

Based on the considerations above, Aquaculture Licence #1047 shall be amended to authorize the cultivation of American oyster. Except as expressly amended, Licence and Lease #1047 shall continue in full force and effect.

The Licence and Lease documents shall be prepared 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
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Nova Scotia Department of Fisheries and Aquaculture

July 27, 2022

Date