

Findings and Decision - Renewal Application of Paqtnkek Mi'kmaw Nation for Experimental Site AQ#5000

1. Overview:

On April 4, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Paqtnkek Mi'kmaw Nation to renew Experimental Aquaculture Licence and Lease #5000 (AQ#5000), as described below:

Table 1. Description of Experimental Aquaculture Licence and Lease #5000

Type: Marine Shellfish	Size: 7.51 HA
Number: AQ#5000	Cultivation Method: Suspended shellfish cultivation
Applicant: Paqtnkek Mi'kmaq Nation	Species: American oyster
Location: Pomquet Harbour, Antigonish County	Proposed Term: One year with annual renewals up to a maximum of five years

2. History

AQ#5000 was first issued on August 30, 2018 for a one-year term (June 20, 2018 to June 20, 2019). AQ#5000 was renewed on December 11th, 2019 for a one year term (June 20, 2019 to June 20, 2020).

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 August 18, 2020.

4. Factors to be considered

AQ#5000 is an experimental aquaculture site located in Pomquet Harbour. For the proposed renewed tenure, Paqtnkek First Nation will continue to ascertain whether this particular area of Pomquet Harbour is conducive to oyster farming using suspended cultivation methods. The planned experimental nature of the operation intends to identify the best means of overwintering seed with minimum mortality, assessing the potential to grow seed to marketable sizes, the trial of different equipment types, and determining other optimum growth parameters. Results from the first year of the experimental operation indicate success relative to the experimental objectives.

Paqtnkek First Nation is required to adhere to all elements of the *Aquaculture Management Regulations*, including the requirement to have maintain an approved Farm Management Plan. The Farm Operations section of the Farm Management Plan requires Paqtnkek First

Nation to indicate how they will operate AQ#5000 in accordance with industry best practices with respect to items such as wildlife interactions, noise, 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. The minimum compliance requirements for marine finfish farm management plans can be found at: <https://novascotia.ca/fish/documents/compliance-documents/Minimum-compliance-requirements-Shellfish.pdf>.

Section 55 of the *Licence and Lease Regulations* requires an aquaculture licence holder to mark each of their sites in a manner determined by the Minister and keep each site marked during the term of their licence and lease. Also, it is a requirement for the equipment and aquacultural produce to remain within the geographic boundaries of the site. A valid approval is currently in place from Transport Canada as it relates to navigable waters for AQ#5000, and such approval must continue to be in place over the course of operating the site. AQ#5000 must also adhere to all relevant provisions of the *Canadian Shellfish Sanitation* as they relate to the harvesting of shellfish product.

AQ#5000 is located in Pomquet Harbour, approximately 40 metres from the shoreline at its nearest point. AQ#5000 is the only current aquaculture site within Pomquet Harbour. As such, there is adequate space within the area to allow for navigation and access to the shoreline. Also, at present, there is no indication that the continued operation of AQ#5000 will negatively impact the productivity of other aquaculture sites.

5. Decision

Based on the considerations above, Experimental Aquaculture Licence and Lease #5000 shall be renewed for a period of 1 year (June 20, 2020 to June 20, 2021).

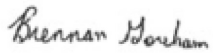
The Licence and Lease documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publicly available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

6. Conditions

In addition, the following condition shall apply:

The operator shall adhere to the following site marking requirements:

- (a) Mark all corners of the leased site with cautionary yellow buoys of a minimum of 60 cm in diameter
- (b) Mark all corners of the leased bottom with a cement block of similar device of a weight sufficient to ensure the cement block or device remains in place at all times; and
- (c) Display the licence and lease at 1 corner of the licensed or leased area



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Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

September 21, 2020

Date