

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

## Application to the Administrator:

On February 22, 2021, the Nova Scotia Department of Fisheries and Aquaculture (the “Department”) received an application to amend Aquaculture Licence and Lease #1363 (AQ#1363), as described below:

## Application Summary:

<b>Type:</b> Marine	<b>Size:</b> 5.00 HA
<b>Number:</b> AQ#1363	<b>Cultivation Method:</b> Bottom cultivation without gear
<b>Applicant:</b> Andrew Thompson and Jeremy Webb	
<b>Location:</b> Caribou Harbour, Pictou County	<b>Species:</b> American oyster
<b>Proposed Amendment:</b> Authorization for bottom cultivation with gear	

## Site History:

AQ#1363 was first issued to James Doucette on May 21, 2014, for a period of ten years (May 1, 2014, to May 1, 2024). The Licence and Lease were assigned to Andrew Thompson and Jeremy Webb in February 2021.

## Performance Reviews Conducted by Administrator:

A performance review was conducted on the aquacultural operation of site AQ#1363, 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:  
 Community, Culture, Tourism and Heritage (CCTH)  
 Natural Resources  
 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:

Canadian Food Inspection Agency (CFIA)  
Canadian Wildlife Services (CWS)  
Department of Fisheries and Oceans Canada (DFO)  
Environment and Climate Change Canada

### **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 October 14, 2021.

Zero 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 in the current and proposed development plan 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 cultivation method (bottom with gear). 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 applicant recognizes the changing environment and more extreme weather events and is adapting with husbandry practices and gear usage to consider the changes and modify where necessary. The history of this site has been suitable and because it is in open ocean, they do have to consider all oceanographic conditions, including ice coverage in the winter. The site is in an open area, classified under the Canadian Shellfish Sanitation Program.

*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 issued by Transport Canada under the *Canadian Navigable Waters Act*, reference number NPP#2011-200180.

*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*

AQ#1363 is located in the nearshore environment approximately 2.5km West of Caribou. The nearest aquaculture site is another shellfish site, AQ#1351, situated in Caribou Harbour and approximately 4km North-East of AQ#1363. There is no evidence to suggest that the existing aquaculture in this area has exceeded the carrying capacity of the harbour.

**Decision:**

Based on the factors considered above, Licence and Lease AQ#1363 shall be amended to authorize the bottom with gear cultivation method, in accordance with the applicant's proposal. Except as expressly amended, AQ#1363 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

March 29, 2023

Date