

Findings and Decision - Renewal Application of Apaqtaukewaq Fisheries Co-op Ltd. for AQ#1276

1. Overview:

On May 3, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Apaqtaukewaq Fisheries Co-op Ltd. to renew Aquaculture Licence and Lease #1276 (AQ#1276), as described below:

Table 1. Description of Aquaculture Licence and Lease #1276

Type: Marine	Size: 0.63 HA
Number: AQ#1276	Cultivation Method: Bottom shellfish without gear
Applicant: Apaqtaukewaq Fisheries Co-op Ltd.	Species: American oyster
Location: St. Peter's Inlet, Richmond County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1276 was first issued on November 17th, 2004 for a ten-year term (November 1, 2004 to November 1, 2014). AQ#1276 was renewed on February 2, 2019 for a five-year term (November 1, 2014 to November 1, 2019).

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(c) of the Aquaculture Licence and Lease Regulations, and was completed on July 30, 2019.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1276 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of July 4, 2019 to August 2, 2019. Notice of the application was also published in the Royal Gazette Part I on July 3, 10, 17, 24, and 31, 2019.

3.3 Submissions

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

4. Factors to be considered

AQ# 1276 is located in waters which are currently MSX positive, and thus production has been substantially impacted. On-going efforts to address the issue of MSX in the Bras d'Or Lakes could lead to AQ#1276 coming into full production. Oyster aquaculture is an important sector of the Nova Scotia aquaculture sector, and AQ#1276 coming into full production would have a positive impact on the local and provincial economy.

The performance review and subsequent public comment period did not note the presence of other fishery activities in the area of the site. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. Until the negative impacts of MSX were fully realized, the area was considered conducive for shellfish aquaculture. AQ#1276 is authorized for the bottom cultivation of shellfish without gear, and as such there is no gear permitted within the boundaries of the lease which mitigates concerns pertaining to navigation.

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 (see below) and to keep each site marked during the term of their licence. All aquacultural produce and equipment must remain within the boundaries of the site.

AQ#1276 is located in St. Peter's Inlet, Richmond County and is located approximately 3.6 kilometres from the nearest aquaculture operation (AQ#0778 - issued to Waycobah First Nation). There is no evidence to suggest that the extent of existing aquaculture sites within the area has exceeded the carrying capacity of the bay. AQ#1276 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

5. Decision

Based on the considerations above, Aquaculture Licence #1276 shall be renewed for a period of 10 years (November 1, 2019 to November 1, 2029) and Aquaculture Lease # 1276 shall be renewed for a period of 20 years (November 1, 2019 to November 1, 2039).

The Licence and Lease documents shall be prepared in accordance with the standard operating documents of NSDFA and shall be made publically 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 each corner and angle of the lease from May 1 to November 30, annually;
- b) Mark each corner and angle of the lease with a cautionary yellow buoy of a minimum 16 inches in diameter;
- c) Display "PRIV" in black, on opposite sides of each buoy;
- d) At 1 corner buoy, display in black, the licence/lease number, licence holder's name and contact phone number.

Brennan Goreham

**Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture**

August 14, 2019

Date