

**Findings and Decision - Renewal Application of Waycobah First Nations Band Council for AQ#1291**

**1. Overview:**

On February 26, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Waycobah First Nations Band Council to renew Aquaculture Licence and Lease #1291 (AQ#1291), as described below:

Table 1. Description of Aquaculture Licence and Lease #1291

<b>Type:</b> Marine	<b>Size:</b> 2.74 HA
<b>Number:</b> AQ#1291	<b>Cultivation Method:</b> Bottom shellfish without gear
<b>Applicant:</b> Waycobah First Nations Band Council	<b>Species:</b> American oyster
<b>Location:</b> Whycomomagh Bay, Inverness County	<b>Proposed Term:</b> 10 year Licence/20 year Lease

**2. History**

AQ#1291 was first issued on November 13, 2003 for a ten year term (October 1, 2003 to October 1, 2013). AQ#1291 was renewed on January 28, 2014 for a five year term (October 1, 2013 to October 1, 2018).

**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 April 12, 2018.

*3.2 Public Comment Period*

Notice of the application for the renewal of AQ#1291 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of June 7, 2018 to July 6, 2018. Notice of the application was also published in the Royal Gazette Part I on June 6, June 13, June 20, and June 27, 2018.

*3.3 Submissions*

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

#### **4. Factors to be considered**

AQ#1291 is located in waters which are MSX positive; as such, there has been no production on this site in several years. Through a pending amendment application, the operator intends to make use of suspended oyster cultivation technology to mitigate the impacts of MSX. Upon renewal, and should the amendment application be successful, increased oyster production would be beneficial to 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. AQ#1291 is authorized for the bottom cultivation of shellfish without gear, and as such no gear is permitted within the site boundaries at the present time. 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). AQ#1291 is licensed to cultivate shellfish, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

AQ#1291 is located in the southwest portion of Whycocomagh Bay, adjacent to the shoreline near MacDonald's Pond. The licence and lease documents for AQ#1291 will allow for access to the site by the general public for recreational activities, provided that the public does not harvest the product on site. This clause serves to reduce potential interference with other users. AQ#1291 is approximately 1.50 km from Waycobah's existing finfish aquaculture operation. There is no evidence to suggest that the extend of existing aquaculture in the harbour has exceeded the carrying capacity of the harbour.

#### **5. Decision**

Based on the considerations above, Aquaculture Licence #1291 shall be renewed for a period of 10 years (October 1, 2018 to October 1, 2028) and Aquaculture Lease #1291 shall be renewed for a period of 20 years (October 1, 2018 to October 1, 2038).

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:

For 2018:

- a) Mark each corner and angle of the lease from May 31 to November 30;
- 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.

For 2019 and years forward:

- 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*

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

*July 23, 2018*

**Date**