

**Findings and Decision - Renewal Application of Waycobah First Nations Band Council
for AQ#0845**

1. Overview:

On July 29, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Waycobah First Nation Band Council to renew Aquaculture Licence and Lease #0845 (AQ#0845), as described below:

Table 1. Description of Aquaculture Licence and Lease #0845

Type: Marine Finfish	Size: 1.57 HA
Number: AQ#0845	Cultivation Method: Suspended Marine Cage
Applicant: Waycobah First Nation Band Council	Species: Atlantic salmon and Rainbow trout
Location: Whycomomagh Bay, Inverness County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0845 was first issued on February 20, 1995. The site was issued to Waycobah First Nations Band Council on February 16, 2011 for a ten year term (February 2, 2011 to February 1, 2021).

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 February 2, 2021.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0845 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of November 5, 2020 to December 4, 2020. Notice of the application was also published in the Royal Gazette Part I on November 11, November 20, November 17, and November 24, 2020.

3.3 Submissions

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

4. Factors to be considered

AQ#0845 forms part of Waycobah First Nation Band Council's multi-site marine aquaculture operation in Nova Scotia. It is operated collectively with the other two sites in Whycomomagh Bay (AQ#0600 and AQ#0814). The site had consistent production over the last licence and lease

tenure, and resultant employment reflective of the scale of the operation. The operator's future intentions with respect to AQ#0845 indicate continued production and employment. The operator also indicates continued plans to procure goods and services from local and Nova Scotian businesses where practical. Should AQ#0845 not be operated as planned, the Department's site utilization review provisions will be implemented.

Waycobah First Nation Band Council has submitted an Adjudicative Amendment Application to expand the boundaries of AQ#0814, which proposes to encompass AQ#0600, AQ#0814 and AQ#0845. The adjudicative amendment application is not in scope of this renewal application.

The operators of AQ#0845 will be required to adhere to the Environmental monitoring provisions of the Aquaculture Management Regulations. Over the most recent tenure of the site, Oxic seafloor conditions were not maintained; however, this waterbody is being researched to better understand water circulation patterns and the natural seafloor conditions. A mitigation plan has been received by the department to address on-site feed management. A DFA-mandated management strategy (Nov. 2020) regarding mean seafloor sulfide values for the lease area must be implemented following the grow-out of any fish already stocked in the production areas. Information on the Environmental Monitoring Program, including descriptions of associated terms, can be found at: <https://novascotia.ca/fish/aquaculture/aquaculture-management/>.

The Farm Operations section of the Farm Management Plan for AQ#0845 will require the operator to indicate how they will operate AQ#0845 in accordance with industry best practices with respect to items such as interactions with wildlife, noise, maintain the site in good order, the removal of decommissioned farm supplies and equipment, and the retrieval of gear or debris that has broken loose. Any complaints received by the Province of Nova Scotia specific to a particular aquaculture site are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary. Additional information on Farm Management Plan requirements can be found at: <https://novascotia.ca/fish/documents/compliance-documents/Minimum-compliance-requirements-Marine-Finfish.pdf>.

The Aquaculture Management regulations include regulatory compliance points with regards to aquatic animal health management. The operator is required to have comprehensive aquatic animal health procedures in place as part of the Farm Management Plan and is also required to adhere to the reporting and notification provisions regarding aquatic animal health management. The Farm Management Plan must include elements relating to finfish husbandry and welfare, veterinary care and disease surveillance practices, biosecurity measures, and emergency measures. The Containment Management Monitoring section of the Aquaculture Management Regulations require mandatory notification to the Department of breach events. In the event of an escape, the operator would be required to adhere to measures prescribed in the Farm Management Plan and in Regulation on escape reporting, auditing and mitigation.

AQ#0845 is impacted by ice and ice movement in the spring. To mitigate against ice, cages are moved to over-wintering locations to avoid pressures from the ice and are supplemented with aeration and oxygen. Tarps are used to skirt cages to prevent spring algae that collects under the ice from entering cages. Severe weather has been experienced at this location. The site's mooring

system was redesigned and installed in 2020 to improve stability of site infrastructure. Whycomomagh Bay is known to experience an oxycline that moves to various depths. In response, oxygen monitoring occurs regularly at the site and increases around wind and tidal events. The proponent is also collaborating in research conducted by Cape Breton University, Dalhousie University and the Centre for Marine Applied Research (CMAR) on determining water circulation patterns and impacts on water quality of Whycomomagh Bay, while considering effects of and impacts to the farm.

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 keep each site marked during the term of their licence. Furthermore, AQ#0845 is required to maintain compliance with Transport Canada as it relates to Navigable Waters. The operator of AQ#0845 is also required to maintain a security bond for the site, which can be drawn upon by the Department to perform clean-up activities should the operator fail to perform its obligations with respect to site maintenance. Furthermore, it will be a condition of licence that the operator must comply with any permits, protocols, approvals, licences or permissions which may be required under the laws of the relevant Municipality, the Province or Canada. The operator is also required to adhere to all relevant Government of Canada legislation and regulations that may pertain to conducting aquaculture in the marine environment.

A review of the application and available information indicates that AQ#0845 is within Salmon Fishing Area 19, also called the Eastern Cape Breton Designatable Unit by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). The nearest salmon river from AQ#0845 is the Skye River (mouth within 2 km of the site).

5. Decision

Based on the considerations above, Aquaculture Licence #00845 shall be renewed for a period of 10 years (February 2, 2021 to February 1, 2031) and Aquaculture Lease #0845 shall be renewed for a period of 20 years (February 2, 2021 to February 1, 2041).

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 or lease number at 1 corner of the licenses or leased area.



Robert Ceschiutti
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Nova Scotia Department of Fisheries and Aquaculture

February 26, 2021

Date