

Decision on Application to Amend a Marine Aquaculture Licence and Lease

Application to the Administrator:

On February 4, 2019, the Nova Scotia Department of Fisheries and Aquaculture (the “Department”) received an application to amend Aquaculture Licence and Lease #1380 (AQ#1380), as described below:

Application Summary:

Type: Marine Shellfish	Size: 11.47 HA
Number: AQ#1380	Cultivation Method: Bottom cultivation without gear
Applicant: Brian Lewis and Dale Webb	
Location: Caribou Harbour, Pictou County	Species: American oyster
Proposed Amendment:	
<ul style="list-style-type: none"> • Authorize suspended cultivation method of American oyster • Authorize bottom cultivation with gear method • Modify aquaculture site boundaries (with no increase in size) 	

Site History:

Licence and Lease No. 1380 were first issued to Brian Lewis and Dale Webb on March 25, 2015, for a ten year term (November 1, 2014 to November 1, 2024). In April of 2024, the applicant informed the Department that they no longer wish to pursue with the modification of aquaculture site boundaries, but would continue with the application for the additional of cultivation methods.

Performance Reviews Conducted by Administrator:

A performance review was conducted on the aquacultural operation of site AQ#1380, 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:

AQ#1380 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: Environment and Climate Change, Agriculture, Communities, Culture, Tourism & Heritage (CCTH) and the Office of L'Nu Affairs (OLA).

AQ#1380 was sent for consultation to the following departments or agencies of the Government of Canada, pursuant to Clause 40(1)(b) of the Regulations: Fisheries & Oceans Canada (DFO), Canadian Food Inspection Agency (CFIA), Transport Canada (TC), Environment & Climate Change Canada (ECCC), Canadian Wildlife Services (CWS).

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 June 24, 2021.

Zero (0) 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 proposed addition of gear for suspended cultivation and bottom with gear cultivation would allow the operator to use more of the existing site for aquaculture, demonstrating 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 proposed methods of cultivation are suitable for this area and are expected to be a positive contribution to the local and provincial economy. The additional gear is proposed to be purchased locally wherever possible and will make good use of local and Provincial services.

Fishery activities in the public waters surrounding the proposed aquacultural operation

The review of this application to amend an existing aquaculture licence and lease (with no change to the site boundaries) resulted in no novel impacts identified to the fishery activities in the public waters near the existing site.

The oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation

The site is located in a closed area for the harvest of bivalve molluscs as per the Canadian Shellfish Sanitation Program (CSSP), under Prohibition Order: GSN-2023-055. The proponent is required to have an approved decontamination plan as per the CSSP in order to depurate product. Storms and ice are known to occur at this location. The deeper portions of the existing site provides adequate depth to facilitate the gear amendment enabling the operator to sink suspended gear in the winter and prior to storms to mitigate impact of ice and storm damage. Data collected in support of this application supports the proposed production capacity.

The other users of the public waters surrounding the proposed aquacultural operation

Data collected in support of this application has identified the presence of eelgrass beds and wild bivalve shellfish. Federal agencies have provided the applicant with mitigation measures, should the application be approved. Provided that the applicant implement the required mitigation measures, the proposed operation is not likely to result in negative effects to sensitive wildlife species, including fish and fish habitat. Such mitigation measures are part of an operator's Farm Management Plan and are not directly incorporated into a licence and lease.

The public right of navigation

The applicant has submitted an application to Transport Canada under the *Canadian Navigable Waters Act* under NPP#2013-200042. If approved, the operator will be required to adhere to the site marking requirements according to their Notice of Works.

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

Site AQ#1380 is situated along the southern shoreline of the eastern portion of Caribou Harbour, opposite the Caribou-Munroe Island Provincial Park. There are currently 4 marine aquaculture sites in Caribou Harbour, all of which are for shellfish cultivation. The closest aquaculture site, AQ#1347, is approximately 1 km north of this site and is operated by the same licence/lease holder. There is no evidence to suggest that the extent of the existing aquaculture in the harbour has exceeded the carrying capacity.

Decision:

Based on the factors considered above, the above application has been approved with modification to the original submitted proposal. Licence and Lease No. 1380 shall be amended to authorize bottom cultivation with gear method and suspended shellfish cultivation in accordance with the applicant's proposal, effective as of November 2, 2024. There will be no modification to

the existing site boundaries. Except as expressly amended, AQ#1380 shall remain unchanged in full force and effect, including any terms and conditions.

Documents shall be prepared on or after the effective date, 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

September 19, 2024

Date