

Findings and Decision - Experimental Application of Paqtnkek Mi'kmaw Nation for AO#5000

1. Overview:

On April 13, 2017, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an experimental application from Paqtnkek Mi'kmaw Nation for Aquaculture Licence and Lease #5000 (AQ#5000), as described below:

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2. Table 1. Description of Experimental Aquaculture Licence and Lease #5000

Type: Marine Shellfish	Size: 7.51 HA
Number: AQ#5000	Cultivation Method: Suspended Cultivation
Applicant: Paqtnkek Mi'kmaw Nation	Species: American oyster
Location: Pomquet Harbour, Antigonish County	Proposed Term: Five year maximum with annual renewals

3. History

AQ#5000 is a new issuance of an Experimental Aquaculture Licence and Lease.

4. Procedure

4.1 Performance Review

A review of the information submitted by the operator in support of their application was completed. This review recommended that the site be issued based on the technical and biological assessment. This performance review was completed on June 4, 2018.

4.2 Network Review

AQ#5000 was sent for review on December 18, 2017 to the following agencies: Nova Scotia Department of Natural Resources, Nova Scotia Department of Environment, Tourism Nova Scotia, Nova Scotia Department of Municipal Affairs, Nova Scotia Office of Aboriginal Affairs, Nova Scotia Department of Communities Culture and Heritage, Nova Scotia Department of Agriculture, Fisheries and Oceans Canada, Transport Canada, Environment and Climate Change Canada, and the Canadian Food Inspection Agency.

Comments received from the Department of Fisheries and Oceans Canada indicate that the applicant will be required to obtain a Management of Contaminated Fisheries Regulations licence to move spat, seed, or market oysters from the site.

4.3 Public Comment Period

Notice of the experimental application of AQ#5000 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of March 15, 2018 to April 13, 2018. Notice of the application was also published in the Royal Gazette Part I on March 14, 21, 28, April 4, 11, 2018.

4.4 Submissions

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

5. Factors to be considered

Review of the application indicates that the site will have production and thus resulting employment. The review indicates that successful development of this site will have a positive impact on the local and

provincial economy. Furthermore, as an experimental aquaculture site, the operator intends to ascertain the long-term viability of an operation of this nature.

The review and subsequent public comment period did not note the presence of other fishery activities in the area of the site. There were no potential ecological concerns identified in the application with respect to negative impacts on other fisheries. There is no evidence that the issuance of AQ#5000 will have impacts on the sustainability of wild salmon. The operation of this site on an experimental basis will enable the operator to inform future decisions with respect to suspended shellfish cultivation. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. AQ#5000 must adhere all relevant provisions of the *Canadian Shellfish Sanitation Program* as it relates to the harvesting of shellfish product.

AQ#5000 will be authorized to cultivate shellfish using suspended gear, and as such the gear must remain within the geographic boundaries of the site. 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 and keep each site marked during the term of their licence. AQ#5000 must also continue to hold approval from Transport Canada as it relates to navigable waters.

AQ#5000 is located in Pomquet Harbour, Antigonish County. As there are no other aquaculture sites in this body of water, there is no potential that the extent of existing aquaculture in the waterbody has exceeded the carrying capacity of the waterbody.

Paqtnkek Mi'kmaw Nation will be required to prepare a Farm Management Plan (FMP) and will require approval prior to stocking the site. The applicant will also require an Introductions and Transfers permit from the Canada Department of Fisheries and Ocean prior to moving fish to the site.

6. Decision

Based on the considerations above, Paqtnkek Mi'kmaw Nation, Aquaculture Licence #5000 and Aquaculture Lease #5000 is hereby issued. The issued 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*. In addition, the following condition shall apply.

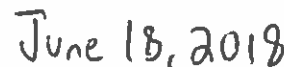
7. Conditions

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 or 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 licensed or leased area.



Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture



Date