

Findings and Decision - Assignment Application of Waycobah First Nation for AQ#0193

1. Overview:

On August 17, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Waycobah First Nation to assign Aquaculture Licence and Lease #0193 (AQ#0193) from St. Peter's Fish Hatchery Limited to Waycobah First Nation, as described below:

Table 1. Description of Aquaculture Licence and Lease #0193

Type: Marine Shellfish	Location: Denas Pond, Inverness County.
Number: AQ# 0193	Size: 6.67 HA
Assignor: St. Peter's Fish Hatchery Limited	Cultivation Method: Suspended Cultivation
Assignee: Waycobah First Nation	Species: Atlantic salmon, Rainbow trout, Blue mussel, American oyster, Brook trout and Arctic char

2. History

AQ#0193 was issued to St. Peters fish Hatchery Limited on June 20, 2011 for a ten year term (May 13, 2011 to May 12, 2021).

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their Assignment application was completed. This review recommended that the site be assigned 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 July 9, 2019.

3.2 Public Comment Period

Notice of the application for the assignment of AQ#0193 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 12, 2019 to July 11, 2019. Notice of the application was also published in the Royal Gazette Part I on June 12, June 19, June 26 and July 3, 2019.

3.3 Submissions

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

4. Factors to be considered

AQ#0193 is one of five sites being assigned from St. Peter's Fish Hatchery Limited to Waycobah First Nation. Waycobah First Nation presently operates an integrated trout farming operation, and the planned operation of AQ#0193 will further enhance Waycobah's trout farming capabilities. Increased trout farming capacity should also allow for increased benefit to Waycobah's hatchery and trout processing operations. Should the operator fail to meet the production commitments indicated as part of the assignment application, the Department's site utilization review procedures will be triggered.

AQ#0193 has not been in production in recent years, and as such there is a limited amount of recent oceanographic data available for this site. Prior to the first introduction of fish onto the site, a detailed baseline assessment by the operator is required. This baseline assessment shall be submitted to the Department for review, and dependent on the result, the introduction of finfish onto the site may be approved. The application submission, public comment period, and subsequent review did not indicate that the proposed assignment and reactivation of AQ#0193 would have adverse impacts on local fishery activities or other users, including wildlife. There was nothing identified in the review that suggested that the assignment and reactivation of AQ#0193 would have an impact on the sustainability of wild salmon.

Waycobah First Nation will be required to adhere to all elements of the *Aquaculture Management Regulations*, including the requirement to implement an approved Farm Management Plan. The Farm Operations section of the Farm Management Plan will require Waycobah First Nation to indicate how they will operate AQ#0193 in accordance with industry best practices with respect to items such as wildlife interactions, noise, maintaining the site in good order, the removal of decommissioned farm supplies and equipment, and the retrieval of gear or debris that has broken loose. Furthermore, the Farm Management Plan must include necessary procedures to address fish health and containment management matters. AQ#0193 will also be subject to the Province's Environmental Monitoring Program, whereby the benthic environment of the site will be monitored for impact.

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 and lease. Also, it is a requirement for the equipment and aquacultural produce to remain within the geographic boundaries of the site. Prior to the introduction of cages onto the site, AQ#0193 must also hold approval from Transport Canada as it relates to navigable waters. AQ#0193 is located in Dena's Pond, Victoria County, in the nearshore environment. There are no existing aquaculture sites within 10.0 km of AQ#0193, with two proposed sites (Waycobah First Nation) located within 10.0 km. The secluded nature of AQ#0193 from the main body of the Bras d'Or lakes mitigates concerns relating to navigation.

5. Decision

Based on the considerations above, St. Peter's Fish Hatchery Limited's right, title, and interest in and to Aquaculture Licence #0193 and Lease #0193 is hereby assigned to Waycobah First Nation. The assignment shall have an effective date of July 15, 2019. The approval 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.

6. Condition

In addition, the following conditions 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 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