

Findings and Decision – Amendment Application of Kevin Campbell for AQ#1176

1. Overview:

On October 5, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from David Kevin Campbell to amend Aquaculture Licence and Lease #1176 (AQ#1176) to authorize bottom shellfish cultivation with gear method, as described below:

Table 1. Description of Aquaculture Licence and Lease #1176

Type: Marine	Size: 2.72 HA
Number: AQ#1176	Current Cultivation Method: Bottom cultivation without gear
Applicant: David Kevin Campbell	Current Species: American oyster, Bay quahog
Location: Little Harbour, Pictou County	Proposed Amendment: Authorize Bottom Shellfish Cultivation with Gear

2. History

AQ#1176 was first issued on January 8, 2001 for a ten year term (January 8, 2001 to January 8, 2011). AQ#1176 was amended on November 3, 2003 to allow for the cultivation of American oyster. AQ#1176 was renewed on February 10, 2011 for a five year term (January 8, 2011 to January 7, 2016). AQ#1176 licence was renewed on May 30, 2016 for a ten year term (January 8, 2016 to January 8, 2026). AQ#1176 was renewed on May 30, 2016 for a twenty year term (January 8, 2016 to January 8, 2036). AQ#1176 was assigned on March 28, 2019 from Tammy McKinlay to David Kevin Campbell.

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their amendment application was completed. This review recommended that the site be amended 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 October 6, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1129 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of August 27, 2020 to September 25, 2020. Notice of the application was also published in the Royal Gazette Part I on September 2, 9, 16 and 23, 2020.

3.3 Submissions

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

4. Factors to be considered

Review of the file indicates that the site has had periods of limited production; however, there has been production in recent years. The information in support of the amendment suggests continued production is planned for this site and continued employment. Department staff will continue to monitor that production plans are implemented as submitted.

The Farm Management Plan for AQ#1176 had previously been conditionally approved. The conditional approval was predicated on the operator submitting an amendment application to address historical use of gear on site. As such, the amendment does not propose a new activity but rather properly authorized an existing activity. The use of gear on the bottom can allow for the operator to hold product to meet operational needs. The operator of AQ#1176 will be required to adhere to the navigation requirements of the *Canadian Navigable Waters Act*, including necessary site marking requirements. The Licence and Lease documents will allow for continued access through the leased area for the purposes of recreational activities; however, others will not be permitted to carry out the harvest of species authorized on AQ#1176.

The Farm Operations section of the Farm Management Plan for AQ#1176 will require the operator to indicate how they will operate AQ#1176 in accordance with industry best practices with respect to 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. Also, the Farm Management Plan for AQ#1176 must include wildlife interaction strategies to mitigate impacts on, and from, wildlife in the area of the site. The operator will be required to adhere to the *Migratory Birds Convention Act* and associated regulations, and ensure that activities comply with the Act and Regulations. The prohibitions under *Species at Risk Act* (SARA) are currently in effect, and the operator is required to maintain compliance with the Act. The *Aquaculture Activity Regulations* (AAR) under the Federal *Fisheries Act*, apply to the operation of a licenced aquaculture lease and constitute the authorization and set the conditions for compliance with Sections 35 and 36 of the Federal *Fisheries Act*.

There are no recorded instances on file of AQ#1176 interfering with other users of the public waters surrounding the operation. Any complaints received by the Province of Nova Scotia specific to a particular aquaculture site, such as AQ#1129, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary. The operator of AQ#1176 is also required to adhere to all necessary and relevant Provincial and Federal legislation and regulations that may be applicable to the marine cultivation of shellfish. In particular, the operator must adhere to the *Canadian Shellfish Sanitation Program* as it relates to the harvest of shellfish from restricted waters.

The review of the application noted that there are no expected impacts on fisheries activities as a result of the amendment of this lease and licence. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. In the event that an archaeology artifact is found during operation, the operator is required to contact the Coordinator for the Special Places Program at the Nova Scotia Department of Communities, Culture and Heritage. AQ#1176 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture will have impacts on the sustainability of wild salmon. The

information reviewed during the review of the application did not indicate adverse impacts on the surrounding public waters.

AQ#1176 is located in the near-shore environment, encompassing much of the small inlet to the northwest of MacNeil's Point; however, the licence and lease documents 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. The closest aquaculture site to AQ#1176 in Little Harbour is approximately 650 meters away, with four others within 2 kilometers. There is no evidence to suggest that the extent of existing aquaculture in the harbour has exceeded the carrying capacity of the harbour.

5. Decision

Based on the considerations above, Aquaculture Licence #1176 and Aquaculture Lease #1176 shall be amended to authorize bottom shellfish cultivation with gear. Except as expressly amended, Licence #1176 and Lease #1176 shall continue in full force and effect.

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 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 side of each buoy;
- d) At 1 corner buoy, display in black, the licence/lease number, licence holder's name and contact phone number.



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

November 6, 2020

Date