

Findings and Decision - Renewal Application of MacKinnon Harbour Survival Association for AQ#1225

1. Overview:

On March 20, 2020 the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from MacKinnon Harbour Survival Association to renew Aquaculture Licence and Lease #1225 (AQ#1225), as described below:

Table 1. Description of Aquaculture Licence and Lease #1225

Type: Marine	Size: 3.69 HA
Number: AQ#1225	Cultivation Method: Suspended cultivation and Bottom cultivation with gear
Applicant: MacKinnon Harbour Survival Association	Species: American oyster
Location: MacKinnons Harbour, Victoria County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1225 was first issued on October 25, 2005 for a term of ten years from September 22, 2005 to September 22, 2015. AQ#1225 was renewed on October 13, 2015 for a term of five years from September 22, 2015 to September 22, 2020. An amendment to authorize Bottom cultivation with gear (2 cages) and Suspended cultivation (2 cages) was approved on June 3, 2019.

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 September 1, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1225 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 20 to September 18, 2020. Notice of the application was also published in the Royal Gazette Part I on August 19, 26, September 2, 9 and 18, 2020.

3.3 Submissions

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

4. Factors to be considered

AQ#1225 is located in waters which are MSX positive; as such, there has been no commercial production on this site in recent years. On-going efforts to address the issue of MSX in the Bras d'Or Lakes could lead to AQ#1225 coming into full production. Oyster aquaculture is an important sector of the Nova Scotia aquaculture sector, and AQ#1225 coming into production would have a positive impact on the local and provincial economy.

The performance review and subsequent public comment period did not note the presence of other fishery activities in the area of the site. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. AQ#1225 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

AQ#1225 is authorized for a variety of gear cultivation methods, 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. Furthermore, AQ#1225 is required to maintain compliance with Transport Canada as it relates to Navigable Waters.

The Farm Operations section of the Farm Management Plan for AQ#1225 will require the operator to indicate how they will operate AQ#1225 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. Any complaints received by the Province of Nova Scotia specific to a particular aquaculture site, such as AQ#1225, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

AQ#1225 is located in the nearshore environment of MacKinnon Harbour. The nearest aquaculture site to AQ#1225 is located over 3.00 km away and is located in another waterbody. There is no evidence to suggest that the extent of existing aquaculture sites within the bay has exceeded the carrying capacity of the bay.

5. Decision

Based on the considerations above, Aquaculture Licence #1225 shall be renewed for a period of 10 years (September 23, 2020 to September 22, 2030) and Aquaculture Lease #1225 shall be renewed for a period of 20 years (September 23, 2020 to September 22, 2040).

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 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 of 1 corner of the licensed or leased area.



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

October 5, 2020

Date