

Findings and Decision- Renewal Application of Apaqtaukewaq Fisheries Co-op Limited for AQ#0838

1. Overview:

On August 22, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Apaqtaukewaq Fisheries Co-op Limited to renew Aquaculture Licence and Lease #0838 (AQ#0838), as described below:

Table 1. Description of Aquaculture Licence and Lease #0838

Type: Marine	Size: 21.65 HA
Number: AQ#0838	Cultivation Method: Bottom Culture
Applicant: Apaqtaukewaq Fisheries Co-op Ltd	Species: American oyster
Location: St Peters Inlet, Richmond County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0838 was first issued to Brenda E. MacNeil on August 3rd, 1995 for a ten-year term (August 7, 1995 to August 7, 2005). AQ#0838 was amended on April 29th, 1996 to authorize the suspended cultivation of American oyster on a portion of the site (Note: this amendment did not carry forward on subsequent issuances or renewals). AQ#0838 was issued to Apaqtaukewaq Fisheries Co-Op Ltd. on July 31, 2002 for a three-year term from August 7, 2002 to August 7, 2005. AQ#0838 was renewed on September 13, 2005 for a five-year term (August 7, 2005 to August 6, 2010). AQ#0838 was renewed on February 10th, 2011 for a five-year term (August 7, 2010 to August 7, 2015). AQ#0838 was renewed on September 16th, 2015 for a five-year term (August 7, 2015 to August 7, 2020).

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(c) of the Aquaculture Licence and Lease Regulations, and was completed on June 2, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0838 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of April 9, 2020 to May 8, 2020. Notice of the application was also published in the Royal Gazette Part I on April 8, 15, 22, 29, and May 6, 2020.

3.3 Submissions

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

4. **Factors to be considered**

AQ#0838 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#0838 coming into full production. Oyster aquaculture is an important sector of the Nova Scotia aquaculture sector, and AQ#0838 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#0838 is authorized for the bottom cultivation of shellfish without gear, and as such there is no gear permitted within the boundaries of the lease which mitigates concerns pertaining to navigation. 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 (see below) and keep each site marked during the term of their licence.

AQ#0838 is located in the Soldiers Cove portion of St. Peters Inlet. The licence and lease documents for AQ#0838 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. AQ#0838 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#0838 is one of seven bottom cultivation aquaculture sites located near the community of Potlotek. 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 #0838 shall be renewed for a period of 10 years (August 8, 2020 to August 7, 2030) and Aquaculture Lease #0838 shall be renewed for a period of 20 years (August 8, 2020 to August 7, 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 licenses or leased area.

Brennan Goreham

July 6, 2020

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date