

Findings and Decision – Application for an Experimental Licence and Lease by We’koqma’q First Nation for AQ#5010

1. Overview:

On June 12, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an experimental application from We’koqma’q First Nation for Aquaculture Licence and Lease #5010 (AQ#5010), as described below:

Table 1. Description of Experimental Aquaculture Licence and Lease #5010

Type: Marine finfish	Size 10.89 HA
Number: AQ#5010	Cultivation Method: Marine Cage Cultivation
Applicant: We’koqma’q First Nation	Species: Rainbow trout
Location: North Aberdeen, Whycocomagh Bay, Inverness County	Proposed Term: One year with annual renewals up to a maximum of Five years

2. History

AQ#5010 is a new issuance of an Aquaculture Licence and Lease for experimental purposes.

3. Procedure

3.1 Departmental Review

A review of the information submitted by the operator in support of their application for an experimental licence and lease was completed. The review recommended that the site be issued based on technical and biological assessment. This review was completed on August 22, 2019.

3.2 Network Review

AQ#5010 was sent for review on June 26, 2019 to the following agencies: Fisheries and Oceans Canada, Canadian Food Inspection Agency, Transport Canada, Environment and Climate Change Canada, Nova Scotia Department of Environment, Nova Scotia Department of Agriculture, Nova Scotia Department of Communities, Culture and Heritage, Nova Scotia Office of Aboriginal Affairs, Nova Scotia Department of Fisheries and Aquaculture (Inland Division), Nova Scotia Department of Lands and Forestry, and the Nova Scotia Department of Municipal Affairs

3.3 Public Comment Period

Notice of the licence and lease application for AQ#5010 was published on NSDFA’s website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of June 27, 2019 to July 26, 2019. Notice of the application was also published in the Royal Gazette Part I on June 27, 2019, July 4, 2019, July 11, 2019 and July 18, 2019.

3.4 Submissions

There were no submissions received by NSDFA during the 30-day public comment period.

4. Factors to be considered

AQ#5010 is an application for an experimental aquaculture operation to be located in Whycocomagh Bay. The intent of the experimental aquaculture operation is to allow We'koqma'q First Nation to ascertain whether this particular area of Whycocomagh Bay is conducive to trout farming. We'koqma'q First Nation presently operates an integrated trout farming operation in the western portion of Whycocomagh Bay, and the planned operation of AQ#5010 will further enhance We'koqma'q's trout farming capabilities. Increased trout farming capacity should also allow for increased benefit to We'koqma'q's hatchery and trout processing operations. Should the operator fail to meet the production commitments indicated as part of the application, the Department will undertake a site utilization review.

The planned experimental nature of AQ#5010 relates to testing the effectiveness and efficiencies of using larger cages for rainbow trout aquaculture by comparing fish production characteristics and production costs with those of traditional size cages; determining whether larger cages allow a higher quality of care to be applied on a per unit basis; assessing operational efficiencies; and assessing the sustainability of the operation and overall production outcomes.

The application submission, public comment period, and Departmental and Network Reviews did not indicate that the proposed issuance of AQ#5010 would have adverse impacts on local fishery activities or other users, including wildlife. The area of AQ#5010 was identified as an area that may be popular for recreational fishers; however, the relative size of the site in comparison to the overall area of Whycocomagh Bay should allow for both activities to occur. There was nothing identified in the review that suggested that the operation of AQ#5010 would have an impact on the sustainability of wild salmon.

We'koqma'q First Nation will be required to adhere to all elements of the *Aquaculture Management Regulations*, including the requirement to have an approved Farm Management Plan prior to commencing aquacultural operations. The Farm Operations section of the Farm Management Plan will require We'koqma'q First Nation to indicate how they will operate AQ#5010 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. AQ#5010 will also be subject to the Province's Environmental Monitoring Program, whereby the benthic environment of the site will be monitored.

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. A valid approval is currently in place from Transport Canada as it relates to navigable waters for AQ#5010, and such approval

must continue to be in place over the course of operating the site. There is adequate separation between AQ#5010, the shoreline, and other aquaculture sites to allow for navigation. AQ#5010 is located along the northern side of Whycocomagh Bay. The closest aquaculture sites to AQ#5010 are approximately 7.50 km away and are also issued to We'koqma'q First Nation. As such, at present, there is no indication that the issuance of AQ#5010 will negatively impact the productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation.

5. Decision

Based on the considerations above, We'koqma'q First Nation, Aquaculture Licence #5010 and Aquaculture Lease #5010 is hereby issued. The issued documents shall be prepared in accordance with the standard experimental aquaculture licence and lease 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 and lease number at 1 corner of the licensed or leased area.



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Aug 22, 2019
Date