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EXB 006b

REPORT ON THE OUTCOMES OF THE PERFORMANCE REVIEW

AQ#5010 (Commercial Application AQ#1430)

Submission to the Nova Scotia Aquaculture Review Board

Nova Scotia Department of Fisheries and Aquaculture

Report on the Outcomes of the Performance Review

The following is a report on the outcomes of the performance review conducted under section 72(f) of the *Aquaculture Licence and Lease Regulations*.

LICENSE/LEASE DETAILS:

LICENSING COORDINATOR:

Reason for Performance Review: Conversion from special experimental to commercial operation and receipt of proposal for a new marine aquaculture licence and lease AQ#1430.

Licence/Lease Number: AQ#5010 (Commercial Application AQ#1430)

Licence/Lease Holder: WFN Fish Farm Limited Partnership (WFN), formerly We'koqma'q First Nation

Licence/Lease Location (Waterbody/Town/Municipality/County): Whycomagh Bay, Inverness County (North Aberdeen)

Site Size: 10.89 HA (AQ#5010) and 34.91 HA (proposed commercial site AQ#1430)

Species: Rainbow trout (*Oncorhynchus mykiss*)

Culture Method: Marine Cage

Current Licence/Lease Term:

AQ#5010

Licence: August 24, 2023 TO August 23, 2024

Lease: August 24, 2023 TO August 23, 2024

File History: A special experimental licence and lease for AQ#5010 were first issued We'koqma'q First Nation, now WFN Fish Farm Limited Partnership, in 2019 for a one-year term to test new production methods and assess the technical feasibility of an aquaculture site. In accordance with

the terms of the *Fisheries and Coastal Resources Act, S.N.S. 1996 Chapter 25* and the *Aquaculture Licence and Lease Regulations*, special experimental licences and leases may be renewed annually for up to five years. The special experimental licence and lease for AQ#5010 has been renewed annually since 2019. For conversion from special experimental to commercial aquaculture licence and lease, the special experimental licence and lease holder must apply to the Minister in accordance with the Act and Regulations. The applicant met this requirement by submitting their application for commercial aquaculture site AQ#1430. Until a decision is issued on the application for commercial aquaculture site AQ#1430, the Department has permitted WFN to continue site operations as established in the terms and conditions of their special experimental licence/lease (AQ#5010).

Status of Security Bond: WFN currently has a security bond in place for site AQ#5010.

NOVA SCOTIA DEPARTMENT OF NATURAL RESOURCES AND RENEWABLES COMPLIANCE: To the knowledge of the Nova Scotia Department of Fisheries and Aquaculture (DFA), site AQ#5010 is in compliance and no complaints have resulted in an offence ticket or charges pursuant to the *Fisheries and Coastal Resources Act, Aquaculture Management Regulations, or Aquaculture Licence and Lease Regulations* (see Appendix A).

OTHER PERMIT CONSIDERATIONS: An application to Transport Canada, File Number: 2019-200108, Whycomomagh Bay, Bras d'Or Lake (AQ#5010) was submitted under the former *Navigation and Protection Act* (NPA), now the Navigation and Protection Program (NPP) of the *Canadian Navigable Waters Act* (CNWA) to amend the current approval for special experimental site AQ#5010, to the proposed commercial aquaculture site AQ#1430 (see Application Package, Volume 1 – Addendum A1.7). Updated Transport Canada approval will be required following decision from the Nova Scotia Aquaculture Review Board (NSARB) on AQ#1430.

1.0 SITE UTILIZATION

WFN has operated on special experimental site AQ#5010 since acquiring it in 2019 and has submitted all required annual production reports and interim reports, which demonstrate that the site has been well utilized. The site has been stocked annually with spring juveniles since 2019 and managed collectively with WFN's existing marine finfish sites AQ#0814x in the inner bay and special experimental site AQ#5013 in South Aberdeen. AQ#0814x acts as an over-wintering location for all WFN's Rainbow trout sites in Whycomomagh Bay. WFN has submitted applications to convert special experimental sites AQ#5010 and AQ#5013 into marine commercial sites AQ#1430 and AQ#1431. The three proposed sites, AQ#0814x, AQ#1430 and AQ#1431, will enable

WFN to continue to produce Rainbow trout on a consistent, routine production cycle, and support the applicant's plans to expand their operations in Nova Scotia.

2.0 FARM MANAGEMENT PLAN STATUS

AQUACULTURE OPERATIONS: WFN has a Farm Management Plan (FMP) in place for their current operations on lease AQ#5010 that has been reviewed and approved for implementation by the Department. The FMP will be reviewed after a decision on the site application is issued by the NSARB to ensure the FMP reflects their operation on proposed commercial lease AQ#1430.

3.0 ADDITIONAL INFORMATION

AQUACULTURE OPERATIONS: The most recent Environmental Monitoring Program (EMP) sampling event was conducted on November 14, 2024. The Level II monitoring event resulted in the site being classified as Hypoxic A. The primary Environmental Quality Objective (EQO) for the marine environment where an aquaculture operation occurs is to maintain Oxidic sediment conditions. If Oxidic sediment conditions cannot be maintained, operators must comply with the regulatory process that identifies steps required to improve seafloor conditions. DFA reviewed the environmental performance of AQ#5010 back to 2019. The review showed that the site maintained Oxidic conditions from 2019 – 2021, and the site was classified as Hypoxic A-B from 2022-2024. Mitigation was required and supplied by the operators when the site was classified as Hypoxic. In 2024 the site was classified as Hypoxic B from Level I monitoring, which activated the requirement for Level II monitoring and mitigation. Level II monitoring classification was Hypoxic A. The operator has fully participated in the EMP program as set out by the *Aquaculture Management Regulations*.

The site was reviewed for containment management practices in accordance with the *Aquaculture Management Regulations*. On November 15, 2019, WFN reported a suspected breach event that occurred on October 28, 2019. It was determined by the Department that the suspected breach event was not reported immediately. It is a requirement of the *Aquaculture Management Regulations* to immediately report a suspected or known breach to the Department. WFN was required to submit a corrective action report which identified the root causes of the non-compliance and measures to prevent reoccurrence. The Department's regulatory and program requirements for containment management, including Farm Management Plan audits, will continue to be applied to WFN operations to assess for compliance.

AQUATIC ANIMAL HEALTH: Ongoing fish health surveillance and management has enabled this site to be consistently productive. The operation of AQ#5010 has been conducted in a manner

that follows the regulatory processes as outlined in the *Aquaculture Management Regulations*. The Operator has fully participated in the Nova Scotia marine finfish surveillance program which involves regular veterinary site visits, sampling and diagnostics examining the on-site population. The management of fish health is overseen by site staff and Provincial Aquatic Animal Health Veterinarians.

4.0 Conclusion

The overall performance review has shown that the farming of Rainbow trout by WFN on lease AQ#5010 has been consistently productive since WFN obtained the lease and commenced farming operations on the site in 2019. The site has been reviewed for its technical feasibility for farming fish in this proposed leased space and for the operation and operator to be able to farm in a manner that meets the regulatory requirements laid out in the *Nova Scotia Fisheries and Coastal Resources Act*, the *Aquaculture Licence and Lease Regulations* and the *Aquaculture Management Regulations*. The Department's act, regulations, programs and auditing capacity will continue to allow for effective management and oversight of marine finfish operations. Based on the outcomes of the performance of AQ#5010, DFA has referred the application for conversion of special experimental site AQ#5010 to new marine aquaculture site AQ#1430 to the board for consideration and decision.

APPENDIX A – COMPLIANCE INFORMATION REQUEST FORMS



Fisheries and Aquaculture
1575A Lake Rd
Sandy Point, Nova Scotia
BOT 1W0

novascotia.ca

Compliance Information Request Form

Compliance information requested via this form pertains to the *Fisheries and Coastal Resources Act*, *Aquaculture Management Regulations*, *Aquaculture Licence and Lease Regulations* and any terms and conditions associated with an aquaculture licence or lease.

Section 1 (to be completed by the Department of Fisheries and Aquaculture)

Details of individual submitting request	
Name	Susanne Holland
Title / Position	<input checked="" type="checkbox"/> Licence Coordinator <input type="checkbox"/> Other:
Telephone #	902-875-7442
Email	Susanne.holland@novascotia.ca
Date Submitted to DNRR-CO	May 22, 2024
Requested Response Date	May 31, 2024

Details of Licence / Lease	
Licence / Lease Holder	WFN Fish Farms Limited OPartnership
Licence / Lease #	AQ # 5010
Site Location	North Aberdeen Whycomomagh Bay
Site Coordinates	<input checked="" type="checkbox"/> Map Attached
Method(s) of Cultivation (select all that apply)	<input type="checkbox"/> Bottom without Gear <input type="checkbox"/> Suspended <input type="checkbox"/> Bottom with Gear <input checked="" type="checkbox"/> Marine Cage <input type="checkbox"/> Other:
Species	Finfish Trout

Lease / Licence Holder Contact Information	
Contact Name	Gioia Usher
Title / Position	
Phone #	[REDACTED]
email	Gioiastanley#waycobah.ca

Request for Compliance Status	
Reason for Request	Experimental Site to New Aquaculture Site
Comments	

Section 2 (to be completed by the Department of Natural Resources and Renewables)

Details of individual completing request	
Name	Troy MacKay
Title / Position	<input type="checkbox"/> Regional Enforcement Manager <input checked="" type="checkbox"/> Conservation Officer <input type="checkbox"/> Other:
Date Completed	

Compliance Information Results

#1: Has a complaint been filed with Nova Scotia Natural Resources and Renewables against the lease/license holder?	
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
If yes, please provide details and any follow up action taken:	

#2: Has the licence/lease holder been issued a written warning pursuant to the <i>Fisheries and Coastal Resources Act</i> , Aquaculture Management Regulations, Aquaculture Licence and Lease Regulations or any terms and conditions associated with an aquaculture licence or lease?	
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
If yes, please provide details and any follow up action taken:	

#3: Has the licence/lease holder been issued a summary offence ticket or been charged with an offence pursuant to the <i>Fisheries and Coastal Resources Act</i> , Aquaculture Management Regulations, Aquaculture Licence and Lease Regulations or any terms and conditions associated with an aquaculture licence or lease?	
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
If yes, please provide details and any follow up action taken:	

#4: Has the licence/lease holder been convicted of an offence pursuant to the <i>Fisheries and Coastal Resources Act</i> , Aquaculture Management Regulations, Aquaculture Licence and Lease Regulations or any terms and conditions associated with an aquaculture licence or lease?	
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
If yes, please provide details and any follow up action taken:	

Please return this completed form to the individual submitting the request