



Nova Scotia Department of Fisheries and Aquaculture's
Report on Outcomes of Consultations for
Lease and Licence AQ#1427

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1.0 APPLICATION DESCRIPTION

Raymond d'Entremont of Grand Pass Oysters Ltd. (GPOL) has applied for three marine aquaculture licenses and leases for the suspended cultivation of American oyster (*Crassostrea virginica*). The applications were received by the Department of Fisheries and Aquaculture (NSDFA) on February 21, 2019. All proposed sites are located in a body of water known as La Grande Passe, Yarmouth County.

The differences between the site applications are the physical location, size of the sites and the production plan associated with each site. No issues were identified by reviewers that were specific to one site, and reviewer comments applied to all three individual sites. The following package consists of a report on review and consultations specific to AQ#1427 – Bar Rock.

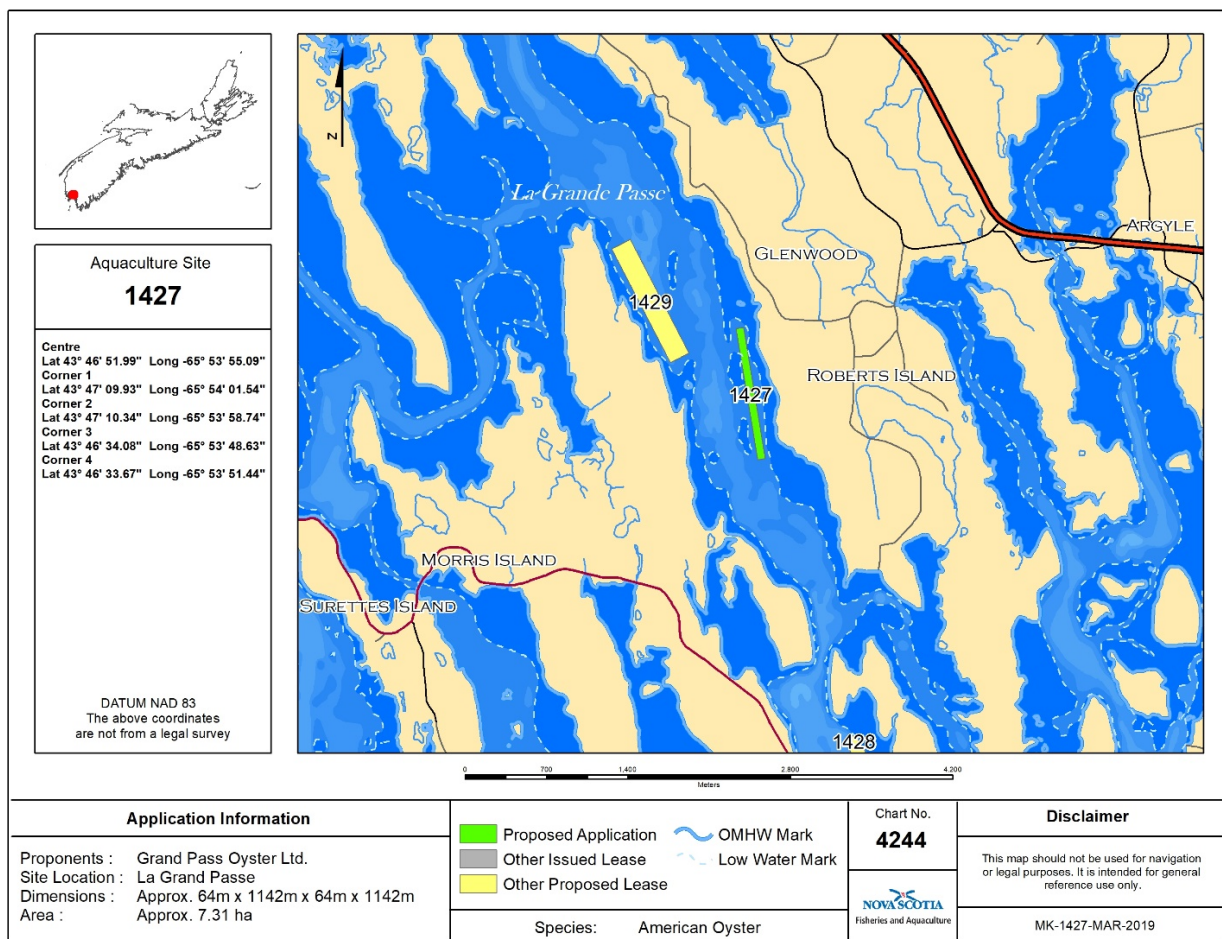


Figure 1: Proposed lease AQ#1427. Please refer to NSDFAs Site Mapping Tool at <https://novascotia.ca/fish/aquaculture/site-mapping-tool/> for an interactive map showing proposed leases.

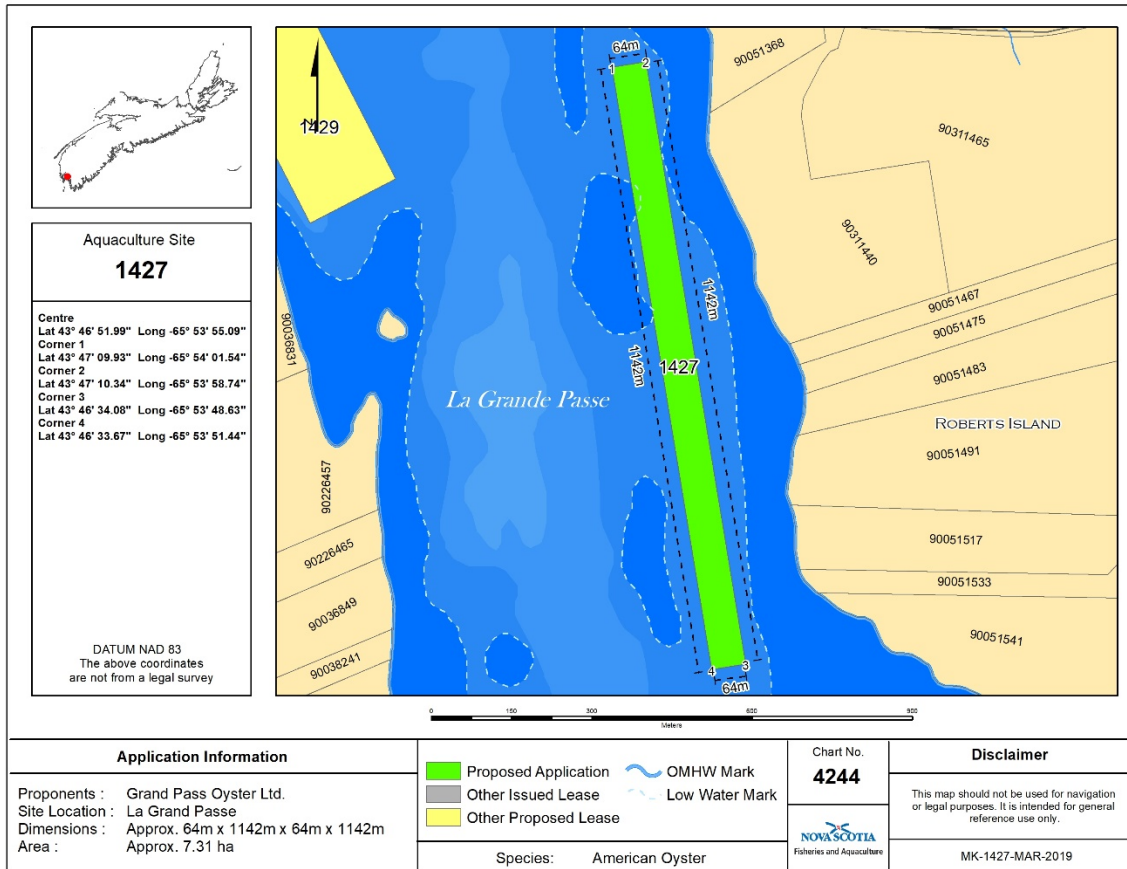


Figure 2: Proposed lease AQ#1427. Please refer to NSDFAs Site Mapping Tool at <https://novascotia.ca/fish/aquaculture/site-mapping-tool/> for an interactive map showing proposed leases.

2.0 CONSULTATION WITH MUNICIPAL, PROVINCIAL AND FEDERAL AGENCIES

The application was reviewed by the Municipal, Provincial and Federal agencies listed below in Table 1. These agencies provided advice based on their respective mandates to NSDFA on the proposed application. NSDFA worked with the applicant and the network agencies to respond to questions or comments regarding the application and to record any specific information relayed by the network agencies. Table 1 indicates if the network agency had additional questions regarding the application, information that they wished to have passed along to the applicant, or specific recommendations for conditions of license.

Table 1: Municipal, Provincial and Federal agencies who reviewed the application.

Agency	Further Action Required (Yes/No)	Relevant Information Referred to Applicant (Yes/No)	Recommendations for Conditions of License (Yes/No)
Fisheries and Oceans Canada - Maritimes	Yes	Yes	No
Canadian Food Inspection Agency	No	Yes	No
Transport Canada	No	Yes	No
Environment & Climate Change Canada – Shellfish Water Classification Program	No	No	No
Environment & Climate Change Canada - Canadian Wildlife Services	Yes	Yes	No
Nova Scotia Environment – Inspection, Compliance & Enforcement	No	No	No
Nova Scotia Environment (Protected Areas)	Yes	Yes	No
Nova Scotia Agriculture	No	No	No
Nova Scotia Communities, Culture and Heritage (CCH)	No	Yes	Yes

Nova Scotia Department of Lands and Forestry	Yes	Yes	No
Municipality of the District of Argyle	No	No	No

Summary of Network Consultations:

Fisheries and Oceans Canada (DFO) reviewed the application and did not raise any questions with the proposed operation regarding their mandate. DFO did recommend the proponent consult with the Lobster Fishing Area 34 Advisory Committee and the South West Nova Scotia Clam Advisory Committee during the planning phase of the application process. DFO also requested that NSDFA advise the applicant, should the application be approved, that the proposed operation would be subject to the following legislation and Programs: Canadian Shellfish Sanitation Program, Maritime Provinces Fishery Regulations (MPFR), Aquaculture Activity Regulations (AAR), Fishery (General) Regulations (FGR). NSDFA referred this information on to the applicant as requested.

Canadian Food Inspection Agency reviewed the application and did identify that the product from this type of operation is required to have approved harvest plans or preventative controls that meet the criteria of federally licensed facilities prior to harvesting. The criteria to meet these approvals and controls is outlined in the *Safe Food for Canadian Act (SFCA)* and *Safe Food for Canadian Regulations (SFCR)*. The proposed site is similar to others within the Province that meet the SFCA and SFCR. Therefore, the operation, as it is proposed, should be able to meet these approvals and preventative measures, as outlined in the SFCA and SFCR.

Transport Canada (TC) reviewed the application and did indicate that navigation corridors may be required to enable boats safe passage through the lease space to access shorelines. This is common with other oyster sites in Nova Scotia. TC cannot issue an approval until a lease and license is granted, once that occurs the TC approval process can be completed.

Environment and Climate Change Canada - Canadian Wildlife Services Division (CWS) reviewed the application and had comments regarding potential interactions with the Eastern Baccharis (a terrestrial species at risk that is known to be present in the area), migratory birds, and the impacts on eelgrass beds that may be in the proposed area. The comments raised were addressed in a manner satisfactory to CWS through discussions with the applicant, the referral of more information specific to the application, and an explanation of the Aquaculture regulatory requirements.

CWS also requested that the applicant be reminded of the *Migratory Birds Convention Act* and the *Species at Risk Act*, the Federal Policy on Wetland Conservation and the associated

prohibitions. This was completed by NSDFA. The CWS also indicated that if the site is approved, the following should be taken into consideration by the applicant:

- Project staff should use the main navigation channels to get to and from the site.
- Project staff should have well muffled vessels and machinery.
- Project staff should not approach concentrations of seabirds, waterfowl or shorebirds.
- Food scraps and other garbage left on beaches and other coastal habitats can artificially enhance the populations of avian and mammalian predators of eggs and chicks of Piping Plovers and terns. The proponent should ensure that no litter (including food scraps) is left in coastal areas by staff.
- Since even small spills of oil can have very serious effects on migratory birds, every effort should be taken to ensure that no oil spills occur. The proponent should ensure that all precautions are taken by staff to prevent fuel leaks from equipment, and contingency plans in case of oil spills should be prepared.

This information was referred to the applicant and discussed how this information should be addressed in their Farm Management Plan, should the lease and license be approved. Farm Management Plans are a regulatory compliance piece, required by NSDFA. All operators must ensure they are in compliance with all Municipal, Provincial and Canadian legislation, which was communicated to CWS and they had no further questions or comments regarding the application.

Nova Scotia Department of Environment Protected Areas Branch (NSDOE) reviewed the application and provided comments and questions regarding a wilderness area consisting of salt marshes and a terrestrial species at risk. More information was requested regarding the site selection process, how a farm is operated and what mechanisms are in place to ensure there is minimal environmental impacts. NSDFA and NSDOE had discussions on all the topics raised by NSDOE. NSDFA outlined the application and review process, what the requirements are for the applicants, all the network agencies involved and their roles for providing advice on the application, as well as post lease/license approvals. The discussion also included an outline of the regulatory requirements NSDFA has in place for the aquaculture industry, for both licensing and leases and aquaculture management. This included discussions of the Farm Management Plans and their farm operation, aquatic animal health, containment, and environmental monitoring sections and how they are implemented and enforced. From these discussions, NSDOE were satisfied with the applications and had no further comments or questions specific to this application.

Nova Scotia Communities, Culture and Heritage reviewed the application, had no questions or comments that required further discussion but noted the area has been identified as having elevated archeological potential. It is recommended that if any archeological artifacts are recovered or observed, a Coordinator of Special Places, at Communities, Culture and Heritage should be contacted. This can be accomplished by incorporating a Standard Operating

Procedure for reporting to CCH, into the applicants Farm Management Plan, should the license and lease be approved.

Nova Scotia Lands and Forestry (NSL&F) reviewed the application and had questions regarding the infrastructure being used impacting diving seabirds, who the applicant was consulting for birding advice and reassurance that the applicant is aware of the *Species at Risk Act* and the *Nova Scotia Endangered Species Act*. Conversations occurred between the applicant and NSDFA and information was relayed to NSL&F regarding the applicant's knowledge of birds (See Development Plan Addendum – Resume of Alix d'Entremont) and relevant bird protection legislation, a description of the proposed infrastructure to be used and details of the wildlife interaction mitigation measures required in Nova Scotia's *Aquaculture Management Regulations*. This information addressed all the questions raised by NSL&F and they provided no further comments or questions.

3.0 SUMMARY OF CONSULTATIONS WITH THE MI'KMAQ OF NOVA SCOTIA

Consistent with the Terms of Reference for Consultation with the Mi'kmaq of Nova Scotia, NSDFA provided the application and associated documents to 11 of the Assembly communities. Consultations occurred with the Mi'kmaq of Nova Scotia. The Kwilmu'kw Maw-klusuaqn have requested that NSDFA provide notification if application AQ#1427 is approved by the Nova Scotia Aquaculture Review Board.