



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Deputy Minister

Sous-ministre

s.21(1)(b)

PROTECTED B: SOLICITOR-CLIENT PRIVILEGE

2021-201-00029
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MEMORANDUM FOR THE MINISTER

**Issuance of Ministerial Orders for the Avon River Tidal Gates
(FOR DECISION)**

Summary

The purpose of this note is to seek a decision on next steps for Fisheries and Oceans Canada (DFO) on the continued issuance of the Ministerial Orders (MO) to the Nova Scotia Department of Agriculture (NSDA) to manage the Avon River tidal gates beyond June 15, 2021.

On March 19, 2021, DFO issued the MO to NSDA for the operation of the Avon tidal gates for the initial period of March 20 to April 3, 2021, with subsequent Orders with the same language having been issued since that time.

Since the issuance of this MO, the Department has heard from stakeholders and the local Member of Parliament that the MO is impacting or will impact competitive paddling, agriculture operations, residential drinking water, emergency water for firefighting, snow making operations, and property use/value.

NSDA is still in the process of collecting information and preparing a structural engineering report; however, from discussions with NSDA, we expect that the report will not likely require changes to the MO for flood control safety reasons.

On February 25, 2021, the Mi'kmaq Chiefs passed a resolution to pursue legal action if the MO is not issued and have stated that their expectation is to have the MO in place indefinitely to ensure the full and long-term passage of fish and a productive estuarine ecosystem.

The three options presented for decision include: Option 1 [REDACTED] Option 2 – continue with current MOs every two weeks to allow for future changes; and Option 3 – [REDACTED]

We recommend the selection of Option 2 to allow for adjustments to the MO to address potential flood safety issues which could be brought forward by the Province, and to allow for consideration of other issues at a later date.