

## Findings and Decision- Renewal Application of Alex Dunphy for AQ#1235

### 1. Overview:

On November 27, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Alex Dunphy to renew Aquaculture Licence and Lease #1235 (AQ#1235), as described below:

Table 1. Description of Aquaculture Licence and Lease #1235

<b>Type:</b> Marine Shellfish	<b>Size (HA):</b> 17.12
<b>Number:</b> AQ#1235	<b>Cultivation Method:</b> Bottom cultivation without gear
<b>Applicant:</b> Alex Dunphy	<b>Species:</b> American oyster
<b>Location:</b> South Harbour, Aspy Bay, Victoria County	<b>Proposed Term:</b> 10 year Licence/20 year Lease

### 2. History

AQ#1235 was first issued on October 27, 2004 for a ten year term (July 29, 2004 to July 29, 2014). AQ#1235 was renewed on April 16, 2014 for a five year term (July 29, 2014 to July 29, 2019).

### 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 March 26, 2019.

#### *3.2 Public Comment Period*

Notice of the application for the renewal of AQ#1235 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of March 7, 2019 to April 5, 2019. Notice of the application was also published in the Royal Gazette Part I on March 6, 2019, March 13, 2019, March 20, 2019, March 27, 2019 and April 3, 2019.

#### *3.3 Submissions*

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

### 4. Factors to be considered

AQ#1235 is located in waters which are MSX positive; as such, there has been no production on this site in several years. On-going efforts by the operator to address the issue of MSX through hatchery technology and other methods could lead to AQ#1235 coming into full production. Oyster aquaculture is an important sector of the Nova Scotia aquaculture industry, and AQ#1235 coming into increased 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#1235 is authorized for the bottom cultivation of shellfish without gear, and as such no gear is authorized for use on the site. 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 to keep each site marked during the term of their licence.

AQ#1235 is located in the western portion of South Harbour. The site is located adjacent to the shoreline. The licence and lease documents for AQ#1235 will 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#1235 is licensed to cultivate shellfish, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon. AQ#0328 and AQ#0330 (Alex Dunphy) are both located in South Harbour within 1.0 km of AQ#1235. 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 #1235 shall be renewed for a period of 10 years (July 29, 2019 to July 29, 2029) and Aquaculture Lease #1235 shall be renewed for a period of 20 years (July 29, 2019 to July 29, 2039).

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 each corner and angle of the lease from May 1 to November 30, annually;
- b) Mark each corner and angle of the lease with a cautionary yellow buoy of a minimum 16 inches in diameter;
- c) Display "PRIV" in black, on opposite sides of each buoy;
- d) At 1 corner buoy, display in black, the licence/lease number, licence holder's name and contact phone number.



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**Date**