

Findings and Decision - Assignment Application of William McGee for AQ#0634

1. Overview:

On May 27, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an assignment application from William McGee for Aquaculture Licence and Lease #0634 (AQ#0634), as described below:

Table 1. Description of Aquaculture Licence and Lease #0634

Type: Marine Shellfish	Location: Merigomish Harbour, Pictou County
Number: AQ#0634	Size: 6.92 HA
Assignor: Wallace Murray	Cultivation Method: Bottom cultivation without gear
Assignee: William McGee	Species: American oyster

2. History

AQ#0634 was first issued to Wallace Muarry on September 3, 1992 for a term of ten years (September 8, 1992 to September 8, 2002). AQ#0634 was renewed on October 31, 2002 for a five year term (September 1, 2002 to September 1, 2007). AQ#0634 was renewed on October 21, 2007 for a five year term (September 1, 2007 to August 31, 2017). AQ#0634 was renewed on December 10, 2013 for a five year term (September 1, 2012 to September 1, 2017). AQ#0634 licence was renewed on August 25, 2017 for a ten year term (September 1, 2017 to September 1, 2027). AQ#0634 lease was renewed on August 25, 2017 for a twenty year term (September 1, 2017 to September 1, 2037).

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their assignment application was completed. This review recommended that the site be assigned based on the technical and biological assessment. This performance review is required pursuant to Subsection 72(b) of the Aquaculture Licence and Lease Regulations, and was completed on September 8, 2020.

3.2 Public Comment Period

Notice of the application for the assignment of AQ#0634 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of June 25, 2020 to July 24, 2020. Notice of the application was also published in the Royal Gazette Part I on July 1, 8, 15 and 22, 2020.

3.3 Submissions

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

4. Factors to be considered

Review of the assignment application indicates that the proposed new operator intends to have appropriate levels of production and thus employment for AQ#0634. Information submitted in support of the assignment application indicates continued contributions to the local and provincial economy. Department staff will continue to monitor that production plans are implemented as submitted.

The Farm Operations section of the Farm Management Plan for AQ#0634 will require the operator to indicate how they will operate AQ#0634 in accordance with industry best practices with respect to 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. Also, the Farm Management Plan for AQ#0634 must include wildlife interaction strategies to mitigate impacts on, and from, wildlife in the area of the site.

There are no recorded instances on file of AQ#0634 interfering with other users of the public waters surrounding the operation. Any complaints received by the Province of Nova Scotia specific to a particular aquaculture site, such as AQ#0634, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary. The operator of AQ#0634 is also required to adhere to all necessary and relevant Provincial and Federal legislation and regulations that may be applicable to the marine cultivation of shellfish. The Licence and Lease documents will allow for continued access through the leased area for the purposes of recreational activities; however, others will not be permitted to carry out the harvest of species authorized on AQ#0634.

The review of the application noted that there are no expected impacts on fisheries activities as a result of the amendment of this lease and licence. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. AQ#0634 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture will have impacts on the sustainability of wild salmon. The successful growth of American oysters in Chance Harbour has been proven. The information reviewed during the review of the application did not indicate adverse impacts on the surrounding public waters.

AQ#0634 is located in Merigomish Harbour, approximately 230 metres from the shoreline at its nearest point. The closest aquaculture site to AQ#0634 is approximately 2.50 kilometres away, and is also subject to an assignment application from Wallace Murray to William McGee. 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, Wallace Murray's right, title, and interest in and to Aquaculture Licence #0634 and Aquaculture Lease #0634 is hereby assigned to William McGee. The assignment shall have an effective date of September 15, 2020. The approval documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be

made publically available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

In addition, the following condition shall apply.

6. Conditions

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 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'

Brennan Goreham

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

September 15, 2020

Date