

Findings and Decision - Renewal Application of Darren Wagner for AQ#0292

1. Overview:

On August 19, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Darren Wagner to renew Aquaculture Licence and Lease #0292 (AQ#0292), as described below:

Table 1. Description of Aquaculture Licence and Lease #0292

Type: Marine Shellfish	Size: 8.11 HA
Number: AQ#0292	Cultivation Method: Suspended shellfish method
Applicant: Darren Wagner	Species: Blue Mussel, European oyster, American oyster
Location: Rose Bay, Lunenburg County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0292 was first issued on October 20, 1987 for a ten year term (November 1, 1987 to October 31, 1997). AQ#0292 was renewed on February 16, 1994 for a ten year term (February 21, 1994 to February 21, 2004). AQ#0292 was renewed on June 2, 2005 for a five year term (February 21, 2005 to February 21, 2010). AQ#0292 was renewed on September 28, 2010 for a five year term (February 21, 2010 to February 20, 2015). AQ#0292 was renewed on October 15, 2014 for a five year term (February 20, 2015 to February 20, 2020).

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(d) of the Aquaculture Licence and Lease Regulations and was completed on February 11, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0292 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of January 9, 2020 to February 7, 2020. Notice of the application was also published in the Royal Gazette Part I on January 8, 15, 22 and 29, 2020.

3.3 Submissions

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

4. Factors to be considered

The renewal plan indicated continued production is planned for this site and therefore resulting employment. Should the operator not operate the site as indicated, the Department's site utilization review procedure will be triggered.

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#0292 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. There are no recorded instances on file of AQ#0292 interfering with other users of the public waters surrounding the operation. AQ#0292 is authorized to cultivate shellfish using suspended gear, and as such the gear must remain within the geographic boundaries of 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 keep the site marked during the term of their licence.

AQ#0292 is located approximately one kilometer from the shoreline at its nearest point and more than ten kilometres of the nearest aquaculture site. Thus, the physical separation of AQ#0292 from the shoreline and neighbouring aquaculture sites provides multiple corridors within the harbour. There is no evidence to suggest that the extent of existing aquaculture in the harbour has exceeded the carrying capacity.

5. Decision

Based on the considerations above, Aquaculture Licence #0292 shall be renewed for a period of 10 years (February 20, 2020 to February 20, 2030) and Aquaculture Lease #0292 shall be renewed for a period of 20 years (February 20, 2020 to February 20, 2040).

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 all corners of the leased site with cautionary yellow buoys of a minimum of 60cm in diameter;

- b) Mark all corners of the leased bottom with a cement block or similar device of a weight sufficient to ensure the cement block or device remains in place at all times; and
- c) Display the licence or lease number at 1 corner of the licensed or leased area.

Brennan Goreham

Brennan Goreham
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Nova Scotia Department of Fisheries and Aquaculture

February 18, 2020

Date