

## **Findings and Decision- Renewal Application of Rod Beresford for AQ#1108**

### **1. Overview:**

On May 2, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Rod Beresford to renew Aquaculture Licence and Lease #1108 (AQ#1108), as described below:

Table 1. Description of Aquaculture Licence and Lease #1108

<b>Type:</b> Marine	<b>Size:</b> 3.84 HA
<b>Number:</b> AQ#1108	<b>Cultivation Method:</b> Bottom shellfish without gear
<b>Applicant:</b> Rod Beresford	<b>Species:</b> American oyster
<b>Location:</b> Lochmore Harbour, Cape Breton	<b>Proposed Term:</b> 10 year Licence/20 year

### **2. History**

AQ#1108 was first issued to Clint P. Fraser on November 8, 1999 for a ten-year term (November 8th, 1999 to November 8th, 2009). AQ#1108 was amended on February 6th, 2002 to increase the site from 1.0 HA to 3.83 HA. AQ#1108 was renewed on August 18th, 2010 for a five-year term (November 8, 2009 to November 7th, 2014). AQ#1108 was assigned on February 23<sup>rd</sup>, 2012 Assignment from Clint P. Fraser to Rod Beresford. AQ#1108 was renewed on August 6th, 2014 for a five-year term (November 7th, 2014 to November 7th, 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 September 26, 2019.

#### *3.2 Public Comment Period*

Notice of the application for the renewal of AQ#1108 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of July 4<sup>th</sup>, 2019 until August 2<sup>nd</sup>, 2019. Notice of the application was also published in the Royal Gazette Part I on July 3, 10, 17, 24, and 31, 2019.

#### *3.3 Submissions*

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

### **4. Factors to be considered**

AQ#1108 is located in waters which are MSX positive; as such, there has been no commercial production on this site in recent years. On-going efforts to address the issue of MSX in the Bras d'Or Lakes could lead to AQ#1108 coming into full production. Oyster aquaculture is an

important sector of the Nova Scotia aquaculture sector, and AQ#1108 coming into 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#1108 is authorized for the bottom cultivation of shellfish without gear, and as such there is no gear permitted within the boundaries of the lease which mitigates concerns pertaining to navigation. 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 each site marked during the term of their licence.

AQ#1108 is located adjacent to the shoreline. The licence and lease documents for AQ#1108 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#1108 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon. AQ#1108 is within 50 metres of two additional bottom cultivation aquaculture sites. 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 #1108 shall be renewed for a period of 10 years (November 7, 2019 to November 7, 2029) and Aquaculture Lease #1108 shall be renewed for a period of 20 years (November 7, 2019 to November 7, 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.

*Brennan Goreham*

**October 15, 2019**

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**Brennan Goreham**  
**Aquaculture Administrator**  
**Nova Scotia Department of Fisheries and Aquaculture**

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**Date**