

Findings and Decision- Amendment Application of Patrick D. Timmons for AQ#0136

1. Overview:

On April 21, 2015, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Patrick D. Timmons to amend Aquaculture Licence and Lease #0136 (AQ#0136) to authorize the bottom shellfish without gear method of cultivation in addition to the existing suspended shellfish method within the existing site boundaries.

Table 1. Description of Aquaculture Licence and Lease #0136

Details of Amendment Application:

| | |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Type: Marine Shellfish | Current Size: 15 .0 HA |
| Number: AQ#0136 | Current Cultivation Method: Suspended culture |
| Applicant: Patrick D. Timmons | Current Species: Blue mussel, American oyster, Giant sea scallop, Bay scallop |
| Location: Long Pond, Inverness County | Proposed Amendment: Authorize the bottom shellfish without gear method of cultivation in addition to the existing suspended shellfish method within the existing site boundaries |

2. History

AQ#0136 was first issued on Thomas E. Williams for a 10 year term (August 1, 1989 to July 31, 1999). AQ#0136 was assigned from Thomas E. Williams to Patrick David Timmons on August 3, 1989. AQ#0136 was amended on August 8, 1997 to restrict a portion of the site to seed collection only. AQ#0136 was renewed on May 24, 2000 for a five year term (May 24, 2000 to May 24, 2005). AQ#0136 was renewed on April 20, 2005 for a five year term (May 24, 2005 to May 24, 2010). AQ#0136 was renewed on June 28, 2010 for a five year term (May 24, 2010 to May 23, 2015). AQ#0136 was amended on October 27, 2010 to authorize the cultivation of Bay scallops. AQ#0136 was renewed on June 24, 2015 for a five year term (May 23, 2015 to May 23, 2020).

3. Procedure

3.1 *Performance Review*

A performance review of the information submitted by the operator in support of their amendment application was completed. This review recommended that the site be amended 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 May 16, 2016.

3.2 *Network Review*

The amendment application was forwarded on May 27, 2016 to the following government entities for review and comment:

- 1) Fisheries and Oceans Canada
- 2) Environment Canada
- 3) Canadian Food Inspection Agency

Notification of the application was sent to the Municipality of the County of Inverness on July 15, 2016. No comments were received.

Notification of the application was sent to Paq'tnkek First Nation on July 4, 2016. No comments were received.

3.3 Public Comment Period

Notice of the application for the amendment of AQ#0136 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of August 18, 2016 to September 16, 2016. Notice of the application was also published in the Royal Gazette Part I on August 17, 24, 31, and September 6, 2016.

3.4 Submissions

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

4. Factors to be considered

Review of the file indicates the site has had consistent annual production since 2005. Records indicate continuous employment. Amendment plan indicates 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 procedures will be triggered. Performance review indicates contribution to local economy through relationship with other aquaculturalists.

The performance review and subsequent public comment period did not note the presence of other fishery activities in the area of the site. During the network review process, potential interference with seabirds and waterbirds was identified; however, the site has existed since 1989 without any specific instances of interference with birds having been identified. There are no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. There are no recorded instances on file of AQ#0136 interfering with other users of the public waters surrounding the operation. AQ#0136 is located in the near-shore environment of Long Pond, Inverness County. AQ#0136 is sufficiently separated from the shoreline to allow for navigation. In addition to the amendment to authorize the bottom shellfish without gear method of cultivation, AQ#0136 is authorized to conduct suspended cultivation of marine shellfish. 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 and keep each site marked during the term of their licence. Also, it is a requirement for the equipment and aquacultural produce to remain within the geographic boundaries of that site.

The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. AQ#0136 is located approximately 6.5 km from the nearest aquaculture operation and as such there is no evidence to suggest that the extent of existing

aquaculture in the area has exceeded the carrying capacity of the area. AQ#0136 is licensed for shellfish aquaculture, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

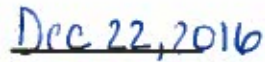
5. Decision

Based on the considerations above, Aquaculture Licence #0136 and Lease #0136 shall be amended to authorize the bottom cultivation of Blue mussels, Giant sea scallops, Bay scallops, and American Oysters on the existing site. Except as expressly amended, Licence #0136 and Lease # 0136 shall continue in full force and effect.

The Licence and Lease amendment 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*.



Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture



Date