

**Findings and Decision- Assignment Application of R. Scott Brown and Joyce Brown for AQ#1111**

**1. Overview:**

On May 25, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from R. Scott Brown and Joyce Brown to add Joyce Brown onto AQ#1111 as a Lessee and Licencee, constituting an assignment of the Lease and Licence. AQ#1111 is described below:

Table 1. Description of Aquaculture Licence and Lease #1111

<b>Type:</b> Marine Shellfish	<b>Location:</b> North Harbour, Victoria County
<b>Number:</b> AQ#1111	<b>Size:</b> 6.20 HA
<b>Assignor:</b> R. Scott Brown	<b>Cultivation Method:</b> Bottom cultivation
<b>Assignee:</b> R. Scott Brown and Joyce Brown	<b>Species:</b> American oyster

**2. History**

AQ#1111 was first issued on June 8, 1999 for a 10 year term (June 8, 1999 to June 8, 2009). AQ#1111 was renewed on July 21, 2009 for a 5 year term (June 8, 2009 to June 7, 2014). AQ#1111 was renewed on May 1, 2014 for a 5 year term (June 7, 2014 to June 7, 2019).

**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 August 16, 2016.

*3.2 Public Comment Period*

Notice of the application for the assignment of AQ#1111 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 31, 2016 to September 28, 2016. Notice of the application was also published in the Royal Gazette Part I on August 31, September 7, 14 and 21, 2016.

*3.3 Submissions*

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

**4. Factors to be considered**

AQ#1111 is located in waters which are MSX positive; however, review of the file indicates consistent and meaningful production and employment in recent years. The assignment plan

indicates continued production is planned for this site, which will continue to provide employment. Should the operator not operate the site as indicated, the Department's site utilization review procedures 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. Records indicate a history of losses due to both invasive species and predation. AQ#1111 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.

The successful growth of shellfish in the area using bottom cultivation methods has been proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. AQ#1111 is located in the nearshore environment of Aspy Bay and Donald's Island in the northern portion of North Harbour; however, the licence and lease documents for AQ#1111 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#1111 is one of seven issued aquaculture sites in North Harbour, and is located approximately 120 metres from the nearest aquaculture operation (AQ#0083 - issued to Atlantic Aqua Farms Partnership). There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area. AQ#1111 is licensed for shellfish aquaculture, and there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

## **5. Decision**

Based on the considerations above, both R. Scott Brown and Joyce Brown shall now enjoy right, title, and interest in and to Aquaculture Licence #1111 and Aquaculture Lease #1111. The assignment shall have an effective date of October 24, 2016. 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*.

## **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 60 cm 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