

Findings and Decision- Assignment Application of Tammy McKinlay for AQ#1176

1. Overview:

On September 19, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Tammy McKinlay to assign Aquaculture Licence and Lease #1176 (AQ#1176), as described in Table 1.

Table 1. Description of Aquaculture Licence and Lease #1176

Type: Marine Shellfish	Location: Little Harbour, Pictou County
Number: AQ#1176	Size: 2.72 ha
Assignor: James Koszkulics and Marshall Williams	Cultivation Method: Bottom shellfish without gear method
Assignee: Tammy McKinlay	Species: American oyster, Bay quahogs

2. History

AQ #1176 was first issued on January 8, 2001 for a 10 year term (January 8, 2001 to January 8, 2011). AQ#1176 was amended on November 3, 2003 to allow for the cultivation of American oyster. AQ#1176 was renewed on February 10, 2011 for a 5 year term (January 8, 2011 to January 7, 2016). AQ#1176 was renewed on May 30, 2016 for a 10 year licence term (January 8, 2016 to January 8, 2026) and a 20 year lease term (January 8, 2016 to January 8, 2036).

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 renewed based on the technical and biological assessment. This performance review is required pursuant to Subsection 72(b) of the Aquaculture Licence and Lease Regulations.

3.2 Public Comment Period

Notice of the application for the assignment of AQ#1176 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of March 16, 2017 to April 14, 2017. Notice of the application was also published in the Royal Gazette Part I on March 15, 2017, March 22, 2017, March 29, 2017 and April 5, 2017.

3.3 Submissions

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

4. Factors to be considered in decisions related to marine aquaculture sites

Since first issuance, AQ# 1176 has had periods of limited production; however, there has been production in recent years. Oyster aquaculture is an important sector of the Nova

Scotia aquaculture sector, and the proposed production for AQ# 1176 would have a positive impact on the local and provincial economy. The assignment plan indicates that 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.

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. The operator indicates appropriate measures for dealing with noted invasive species. AQ# 1176 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# 1176 is located in the near-shore environment, encompassing much of the small inlet to the northwest of Macneil's Point; however, the licence and lease documents for AQ# 1176 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# 1176 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 closest aquaculture site to AQ# 1176 in Little Harbour is approximately 650 metres away, with four others within 2.00 kilometres. 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 and Lease #1176 shall be assigned to Tammy McKinlay. A letter approving this assignment shall be prepared in accordance with NSDFA policy, and shall be made publicly 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

5/25/17
Date