

Findings and Decision- Renewal Application of Charles David Boyle for AQ#0306

1. Overview:

On February 11, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Charles David Boyle to renew Aquaculture Licence and Lease #0306 (AQ#0306), as described below:

Table 1. Description of Aquaculture Licence and Lease #0306

Type: Marine Shellfish	Size: 1.24 HA
Number: AQ#0306	Cultivation Method: Bottom shellfish without gear
Applicant: Charles David Boyle	Species: American oyster, bay quahog
Location: Lazy Bay, Cumberland County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0306 was first issued to Robert Boyle on April 1, 1976 for a twenty year term (April 1, 1976 to April 1, 1996). AQ#0306 was assigned on September 11, 1976 from Robert Boyle to Willard Boyle. AQ#0306 was renewed on May 6, 1996 for a ten year term (May 6, 1996 to May 6, 2006). AQ#0306 was assigned on June 20, 2011 from Willard Boyle to Charles David Boyle. AQ#0306 was renewed on June 20, 2011 for a five year term (May 6, 2011 to May 6, 2016).

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 April 8, 2016.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0335 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of April 14, 2016 to May 13, 2016. Notice of the application was also published in the Royal Gazette Part I on April 13, 2016, April 20, 2016, April 27, 2016, and May 4, 2016.

3.3 Submissions

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

4. Factors to be considered

Records indicate that the site has had consistent production over the most recent tenure. The renewal 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.

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 efforts by the operator to mitigate both invasive species. AQ#0306 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 successful growth of shellfish in the area is proven.

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#0306 interfering with other users of the public waters surrounding the operation. 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#0306 is located in the nearshore environment in the western portion of Lazy Bay, approximately 10 metres from the shoreline at its nearest point. AQ#0306 is located approximately 200 metres in a northerly direction from AQ#0306. Thus, the physical separation of AQ#0306 from the shoreline and other aquaculture sites provides for multiple corridors within the bay. AQ#0306 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. 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 #0306 shall be renewed for a period of 10 years (May 6, 2016 to May 6, 2026) and Aquaculture Lease #0306 shall be renewed for a period of 20 years (May 6, 2016 to May 6, 2036).

The Licence and Lease 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:

1. 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
 - c) display the licence or lease number at 1 corner of the licensed or leased area.

Brennan Goreham

**Brennan Goreham
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5/20/16
Date