

## **Findings and Decision- Renewal Application of Allen J. McDonald for AQ#0335**

### **1. Overview:**

On November 12, 2015, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Allen J. McDonald to renew Aquaculture Licence and Lease #0335 (AQ#0335), as described below:

Table 1. Description of Aquaculture Licence and Lease #0335

<b>Type:</b> Marine Shellfish	<b>Size:</b> 4.84 HA
<b>Number:</b> AQ#0335	<b>Cultivation Method:</b> Bottom Shellfish without gear method
<b>Applicant:</b> Allen J. McDonald	<b>Species:</b> American Oyster
<b>Location:</b> Tatamagouche Bay, Colchester County	<b>Proposed Term:</b> 10 year Licence/20 year Lease

### **2. History**

AQ#0335 was first issued to W. Borden Embree on April 1, 1981 for a 20 year term (April 1, 1981 to April 1, 2001). AQ#0335 was assigned on July 27, 1995 from W. Borden Embree to Allen J. McDonald. AQ#0335 was renewed on April 17, 2001 for a ten year term (April 17, 2001 to April 17, 2011). AQ#0335 was renewed on September 7, 2011 for a five year term (April 17, 2011 to April 16, 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 March 16, 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 7, 2016 to May 6, 2016. Notice of the application was also published in the Royal Gazette Part I on April 6, 2016, April 13, 2016, April 20, 2016, and April 27, 2016.

#### *3.3 Submissions*

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

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

AQ#0335 is one of two aquaculture sites currently issued to Allen J. McDonald. Records indicate that the site has had consistent production over the duration of the most recent licence and lease 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 and predation. AQ#0335 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 Tatamagouche Bay 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#0335 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#0335 is located in the nearshore environment of McNabs Bay, approximately 30 metres from the shoreline at its nearest point. AQ#1035 is immediately adjacent to AQ#0335, and AQ#1014 is located approximately 80 metres from the western boundary of AQ#0335. Thus, the physical separation of AQ#0335 from the shoreline and other aquaculture sites provides for multiple corridors within the bay. 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 #0335 shall be renewed for a period of 10 years (April 16, 2016 to April 16, 2026) and Aquaculture Lease #0335 shall be renewed for a period of 20 years (April 16, 2016 to April 16, 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*

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

*5/17/16*

**Date**