

## *Findings and Decision - Renewal Application of Ethel Murray for AQ#0373*

### **1. Overview:**

On February 10, 2016 the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Ethel Murray to renew Aquaculture Licence and Lease #0373 as described below:

Table 1. Description of Aquaculture Licence and Lease #0373

<b>Type:</b> Marine Shellfish	<b>Current Size:</b> 1.22 HA
<b>Number:</b> AQ#0373	<b>Current Cultivation Method:</b> Bottom culture
<b>Applicant:</b> Ethel Murray	<b>Current Species:</b> American oyster
<b>Location:</b> Whycocomagh Bay, Inverness County	<b>Proposed Term:</b> 10 year licence and 20 year lease

### **2. History**

AQ#0373 was first issued to Lewis Murray for a ten year term (August 20, 1996 to August 20, 2006). AQ#0373 was assigned from Lewis Murray to Ethel Murray on June 16, 2006. AQ#0373 was renewed on August 23, 2006 for a five year term (August 20, 2006 to August 20, 2011). AQ#0373 was renewed on May 1, 2012 for a five year term (August 20, 2011 to August 19, 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 July 12, 2016.

#### *3.2 Public Comment Period*

Notice of the application for the renewal of AQ#0373 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of July 21, 2016 to August 19, 2016. Notice of the application was also published in the Royal Gazette Part I on July 20, 2016, July 27, 2016, August 3, 2016, and August 10, 2016.

#### *3.3 Submissions*

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

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

AQ#0373 is located in waters which are MSX positive; as such, there has been no production on this site for a number of years. On-going efforts to address the issue of MSX in the Bras d'Or Lakes could lead to AQ#0373 coming into full production. Oyster aquaculture is an important sector of the Nova Scotia aquaculture industry, and AQ#0373 coming into production would have a positive impact on the local and provincial economy.

There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. AQ#0373 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#0373 is located in Whycomomagh Bay, and is immediately adjacent to the shoreline of MacInnis Island; however, the licence and lease documents for AQ#0373 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#0373 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#0373 is AQ#1295 and is approximately 550 metres away. There is no evidence to suggest that the extent of existing aquaculture in the bay has exceeded the carrying capacity of the bay.

#### **5. Decision**

Based on the considerations above, Aquaculture Licence #0373 shall be renewed for a period of 10 years (August 20, 2016 to August 20, 2026) and Aquaculture Lease #0373 shall be renewed for a period of 20 years (August 20, 2016 to August 20, 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*.

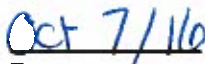
#### **6. Conditions**

In addition, the following condition shall apply:

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.

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

  
**Date**