

Findings and Decision - Renewal Application of Joseph D. MacPherson for AQ#0455

1. Overview:

On November 20, 2015, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Joseph D. MacPherson to renew Aquaculture Licence and Lease #0455 (AQ#0455), as described below:

Table 1. Description of Aquaculture Licence and Lease #1313

Type: Marine Bottom Culture	Size: 0.83 HA
Number: AQ#0455	Cultivation Method: Bottom Shellfish Without Gear
Applicant: Joseph D. MacPherson	Species: American oyster
Location: East Bay, Cape Breton County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0455 was first issued to Joseph MacPherson on February 13th, 1996 for a ten year term (February 13th, 1996 to February 13th, 2006). AQ#0455 was renewed on February 26, 2006 for a five year term (February 13, 2006 – February 13, 2011). AQ#0455 was renewed on February 16, 2011 for a five year term (February 13, 2011 to February 12, 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 December 18, 2015.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0455 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of February 3, 2016 to March 3, 2016. Notice of the application was also published in the Royal Gazette Part I on February 3, 2016, February 10, 2016, February 17, 2016, and February 24, 2016.

3.3 Submissions

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

4. Factors to be considered

AQ#0455 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#0455 coming into full production. Oyster aquaculture is an important sector of the Nova Scotia aquaculture sector, and AQ#0455 coming into production would have a positive impact on the local and provincial economy.

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. AQ#0455 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#0455 is located in the nearshore environment, with the site being approximately 30 meters from the shoreline at its farthest point. The licence and lease documents for AQ#0455 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#0455 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#0455 is approximately 2.0 km away, and is physically separated by a peninsula. 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 #0455 shall be renewed for a period of 10 years (February 13, 2016 to February, 2026) and Aquaculture Lease #0455 shall be renewed for a period of 20 years (February 13, 2016 to February 13, 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:

Joseph MacPherson 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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Nova Scotia Department of Fisheries and Aquaculture

5/3/16
Date