

Findings and Decision- Renewal Application of Steven M. Sober for AQ#0496

1. Overview:

On December 14, 2015 the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Steven M. Sober to renew Aquaculture Licence and Lease #0496 (AQ#0496), as described below:

Table 1. Description of Aquaculture Licence and Lease #0496

Type: Marine Shellfish	Size: 2.23 HA
Number: AQ#0496	Cultivation Method: Bottom shellfish without gear method
Applicant: Stephen M. Sober	Species: American oyster
Location: South Denys Basin, Inverness County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0496 was first issued on April 1, 1981 for a term of twenty years (April 1, 1981 to April 1, 2001). AQ#0496 was assigned from Diane J. Sober to Stephen M. Sober on August 11, 1993. AQ#0496 was renewed on March 8, 2001 for a ten year term (March 8, 2001 to March 8, 2011). AQ#0496 was renewed on September 21, 2001 for a five year term (March 8, 2011 to March 7, 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 February 26, 2016.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0496 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 3, 2016 to April 1, 2016. Notice of the application was also published in the Royal Gazette Part I on March 2, 2016, March 9, 2016, March 16, 2016, and March 23, 2016.

3.3 Submissions

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

4. Factors to be considered

AQ#0496 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#0496 coming into full production. Oyster aquaculture is an important sector of the Nova Scotia aquaculture sector, and AQ#0496 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. The presence of invasive tunicates was noted during the performance review. AQ#0496 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#0496 is located immediately adjacent to the shoreline in the southwest portion of Macleans Cove; however, the licence and lease documents for AQ#0496 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#0496 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#0496 is approximately 4.0 km away. There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the harbour.

5. Decision

Based on the considerations above, Aquaculture Licence #0496 shall be renewed for a period of 10 years (March 7, 2016 to March 7, 2026) and Aquaculture Lease #0496 shall be renewed for a period of 20 years (March 7, 2016 to March 7, 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:

Stephen M. Sober 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
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date

