

Findings and Decision- Renewal Application of Allen J. McDonald for AQ#0502

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 #0502 (AQ#0502), as described below:

Table 1. Description of Aquaculture Licence and Lease #0502

Type: Marine Shellfish	Size: 25.73 HA
Number: AQ#0502	Cultivation Method: Bottom shellfish without gear method
Applicant: Allen J. McDonald	Species: American oyster, Bay quahog, Soft shell clam
Location: Tatamagouche Bay, Colchester County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0502 was first issued to Dr. G.A. Sproul on October 1, 1961 for a 20 year term (April 1, 1961 to April 1, 1961). AQ#0502 was renewed on April 1, 1981 for a twenty year term (April 1, 1981 to April 1, 2001). AQ#0502 was issued to Allen J. McDonald on May 30, 2001 for a ten year term (May 30, 2001 to May 30, 2011). AQ#0502 was amended on September 5, 2002 to increase the size from 0.64 Hectares to 30.98 Hectares. AQ#0502 was amended on November 14, 2002 to decrease the size from 30.98 Hectares to 25.81 Hectares. AQ#0502 was renewed on September 7, 2011 for a five year term (May 30, 2011 to May 29, 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#0502 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

AQ#0502 is one of two aquaculture sites currently issued to Allen J. McDonald. Records indicate that the site has had consistent production over the past several years. 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#0502 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#0502 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#0502 is located in the nearshore environment of McNabs Bay, approximately 40 metres from the shoreline at its nearest point. AQ#0502 is immediately adjacent to AQ#1147, and AQ#1014 is located approximately 10 metres from the eastern boundary of AQ#0502. Thus, the physical separation of AQ#0502 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 #0502 shall be renewed for a period of 10 years (May 30, 2016 to May 30, 2026) and Aquaculture Lease #0502 shall be renewed for a period of 20 years (May 30, 2016 to May 30, 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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5/17/16

Date