

## **Findings and Decision- Renewal Application of the Estate of John Myette for AQ#0524**

### **1. Overview:**

On December 14, 2015, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from the Estate of John Myette to renew Aquaculture Licence and Lease #0524 (AQ#0524). The Estate of John Myette shall be issued the renewed licence and lease for AQ#0524. Throughout the course of the renewal process, an assignment was also received to assign AQ#0524 to Roger Myette. Upon renewal, the Licence and Lease shall be assigned to Roger Myette. Selected details of the application are described below:

Table 1. Description of Aquaculture Licence and Lease #0524

<b>Type:</b> Marine Shellfish	<b>Size:</b> 2.23 HA
<b>Number:</b> AQ#0524	<b>Cultivation Method:</b> Bottom shellfish without gear
<b>Applicant:</b> Estate of John Myette	<b>Species:</b> American oyster
<b>Location:</b> Tracadie Harbour, Antigonish County	<b>Proposed Term:</b> 10 year Licence/20 year Lease

### **2. History**

AQ#0524 was issued to John Myette on May 9, 2005 for a one year term (April 1, 2005 to April 1, 2006). AQ#0524 was renewed on September 26, 2006 for a ten year term (April 1, 2006 to March 31, 2016). AQ#0524 was amended on January 7, 2008 to increase the size from 1.22 Hectares to 2.23 Hectares.

### **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#0524 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.

### **3. Factors to be considered**

Records indicate that AQ#0524 has had consistent levels of production over the duration of the most recent licence and lease tenure. The renewal plan indicates that the family of 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. The site is located in waters classified as *Restricted* by Environment Canada, and the operator has an appropriate decontamination plan. AQ#0524 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 Tracadie Harbour 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#0524 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#0524 is located in the nearshore environment of Tracadie Harbour, with physical separation from the shoreline for much of its southern boundary. AQ#0524 is the only aquaculture site within Tracadie Harbour. AQ#1386 is located in a non-adjacent body of water and is approximately 2.0 km away. Thus, the physical separation of AQ#0524 from the shoreline and other aquaculture sites provides for multiple corridors within the bay. AQ#0524 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. There is no evidence to suggest that the extent of existing aquaculture in the harbour has exceeded the carrying capacity of the harbour.

### **4. Decision**

Based on the considerations above, Aquaculture Licence #0524 shall be renewed for a period of 10 years (March 31, 2016 to March 31, 2026) and Aquaculture Lease #0524 shall be renewed for a period of 20 years (March 31, 2016 to March 31, 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*.

**5. 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.

*Brennan Goreham*

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

*5/29/16*  
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**Date**