

Findings and Decision- Renewal Application of Vince Stuart for AQ#0828

1. Overview:

On July 28, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Vince Stuart to renew Aquaculture Licence and Lease #0828 (AQ#0828), as described below:

Table 1. Description of Aquaculture Licence and Lease #0828

Type: Marine Shellfish	Size: 24.00 HA
Number: AQ#0828	Cultivation Method: Suspended shellfish method
Applicant: Vince Stuart	Species: Bay quahog, Blue mussel, Soft shell clam, European oyster, and Giant sea scallop.
Location: St. Mary's Bay, Digby County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0828 was first issued on May 24, 1996 for a 10 year term (May 24, 1996 to May 24, 2006) for suspended cultivation of Giant sea scallops and Soft shell clams (One year Experimental). AQ#0828 was amended on September 28, 1998 to extend the term of experimental Soft shell clam cultivation and to authorize the cultivation of European oysters. AQ #0828 was amended on October 12, 2000 to authorize the cultivation of Blue mussels and Soft shell clams, and the suspended cultivation of Bay quahogs. AQ #0828 was renewed on June 6, 2007 for a 5 year term from (May 24, 2006 to May 23, 2011). AQ #0828 was renewed on April 11, 2012 for a 5 year term (May 24, 2011 to May 23, 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 August 23, 2016.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0828 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of August 31, 2016 to September 28, 2016. Notice of the application was also published in the Royal Gazette Part I on August 31, September 7, 14 and 21, 2016.

3.3 Submissions

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

4. Factors to be considered

Review of the file indicates significant historical production, with less production in recent years. The renewal plan indicates continued production is planned for this site, which will create local 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 are no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. AQ#0828 is authorized to conduct suspended cultivation of marine shellfish. 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 and keep each site marked during the term of their licence. Also, it is a requirement for the equipment and aquacultural produce to remain within the geographic boundaries of that site.

The successful growth of shellfish in the area using suspended methods has been proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. AQ#0828 is located approximately 100 metres from shoreline at its nearest point, and is located approximately 400 metres from the nearest aquaculture operation (AQ#1037 - issued to Paul Belliveau). The physical separation from the shoreline and other aquaculture sites provides for navigation channels within the waterway. There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area. AQ#0828 is licensed for shellfish aquaculture, and there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

5. Decision

Based on the considerations above, Aquaculture Licence #0828 shall be renewed for a period of 10 years (May 24, 2016 to May 24, 2026) and Aquaculture Lease #0828 shall be renewed for a period of 20 years (May 24, 2016 to May 24, 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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Date