

Findings and Decision- Renewal Application of Barrie and Kimberly Ferguson AQ#1035

1. Overview:

On February 26, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Barrie and Kimberly Ferguson to renew Aquaculture Licence and Lease #1035 (Aq#1035), as described below:

Table 1. Description of Aquaculture Licence and Lease #1035

Type: Marine shellfish	Current Size: 14.77 HA
Number: AQ#1035	Current Cultivation Method: Bottom culture
Applicant: Barrie and Kimberly Ferguson	Current Species: American oyster and Bay quahog
Location: Tatamagouche Bay, Colchester County	Proposed Term: 10 year licence and 20 year lease

2. History

AQ#1035 was issued to Douglas W. Ferguson on October 9th, 1996 for a ten year term (October 9, 1996 to October 9, 2006). AQ#1035 was renewed on October 17, 2006 for a five year term (October 9, 2006 to October 8, 2011). AQ#1035 was assigned from Douglas W. Ferguson to Barrie Ferguson and Kimberly Ferguson on August 18, 2010. AQ#1035 was amended on August 18, 2010 to remove blue mussels as a species authorized for cultivation and to change the authorized cultivation method to bottom cultivation. AQ#1035 was renewed on April 11, 2012 for a five year term (October 9, 2011 to October 8, 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 July 12, 2016.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1014 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of July 21, 2016 to August 19, 2016. Notice of the application was also published in the Royal Gazette Part I on July 20, 2016, July 27, 2016, August 3, 2016, and August 10, 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#1035 has had consistent levels of production during the most recent licence and lease tenure. 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.

There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. Records indicate a history of losses due to theft, predation and weather conditions. AQ#1035 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#1035 is located in Tatamagouche Bay, in an area known as McNab's Bay. Aq#1035 is located in the nearshore environment of Emery's Island, and is one of six shellfish aquaculture sites in McNab's Bay. The closest aquaculture sites to AQ#1035 are AQ#0664 (Bay Enterprises Limited) to the North, AQ#0335 (Allen J. MacDonald) to the South and AQ#1014 (James Sproul) to the West. There is no evidence to suggest that the extent of existing aquaculture in the bay has exceeded the carrying capacity of the bay. AQ#1035 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

4. Decision

Based on the considerations above, Aquaculture Licence #1035 shall be renewed for a period of 10 years (October 9, 2016 to October 9, 2026) and Aquaculture Lease #1035 shall be renewed for a period of 20 years (October 9, 2016 to October 9, 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.



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Date