

Findings and Decision- Renewal Application of James Koszkulics and Marshall Williams for AQ#1176

1. Overview:

On September 15, 2015, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from James Koszkulics and Marshall Williams to renew Aquaculture Licence and Lease #1176 (AQ#1176), as described below:

Table 1. Description of Aquaculture Licence and Lease #1176

Type: Marine Shellfish	Size: 2.72 HA
Number: AQ#1176	Cultivation Method: Bottom Shellfish Without Gear
Applicant: James Koszkulics and Marshall Williams	Species: American oyster, Bay quahogs
Location: Little Harbour, Pictou County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1176 was first issued on January 8, 2001 for a term of ten years (January 8, 2001 to January 8, 2011). AQ#1176 was amended on November 3, 2003 to allow for the cultivation of American oyster. AQ#1176 was renewed on February 10, 2011 for a five year term (January 8, 2011 to January 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 December 18, 2015.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1176 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of February 3, 2016 to March 3, 2016. Notice of the application was also published in the Royal Gazette Part I on February 3, 2016, February 10, 2016, February 17, 2016, and February 24, 2016.

3.3 Submissions

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

4. Factors to be considered

Since first issuance, AQ#1176 has had periods of limited production; however, there has been production in recent years. Oyster aquaculture is an important sector of the Nova Scotia aquaculture sector, and the proposed production for AQ#1176 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 operator indicates appropriate measures for dealing with noted invasive species. AQ#1176 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#1176 is located in the near-shore environment, encompassing much of the small inlet to the northwest of Macneils Point; however, the licence and lease documents for AQ#1176 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#1176 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#1176 in Little Harbour is approximately 650 metres away, with four others within 2 kilometres. 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 #1176 shall be renewed for a period of 10 years (January 7, 2016 to January 7, 2026) and Aquaculture Lease #1176 shall be renewed for a period of 20 years (January 7, 2016 to January 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

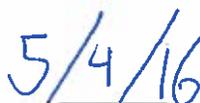
In addition, the following condition shall apply:

The operators 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