

Findings and Decision- Renewal Application of Paul Budreski for AQ#1224

1. Overview:

On January 5, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received all required information from Paul Budreski to renew Aquaculture Licence and Lease #1224 (AQ#1224), as described below:

Table 1. Description of Aquaculture Licence and Lease #1224

Type: Marine Shellfish	Size: 58.54 HA
Number: AQ#1224	Cultivation Method: Bottom shellfish without gear method
Applicant: Paul Budreski	Species: American oyster, Bay scallop, Bar clam, Bay quahog
Location: Little Harbour, Pictou County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1224 was first issued on February 27, 1991 for a ten year term (February 27, 1991 to February 27, 2011). AQ#1224 was renewed on January 9, 2001 for a five year term (February 27, 2001 to February 27, 2006). AQ#1224 was renewed on March 7, 2006 for a five year term (February 27, 2006 to February 27, 2011). AQ#1224 was amended on July 21, 2009 to expand the size from 49.96 Hectares to 58.60 Hectares. AQ#1224 was renewed on March 9, 2011 for a five year term (February 27, 2011 to February 26, 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 February 26, 2016.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1224 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of March 3, 2016 to April 1, 2016. Notice of the application was also published in the Royal Gazette Part I on March 2, 2016, March 9, 2016, March 16, 2016, and March 23, 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#1224 has had periods of limited production; however, there has been significant production in recent 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. AQ#1224 is one of five sites held by the operator, and forms part of a multi-site and multi-species operation.

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 predation concerns. AQ#1224 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#1224 is located in the near-shore environment, varying in distance from the shoreline. The western boundary of AQ#1224, at its nearest point, is within approximately 200 metres of the Little Harbour Road leading out to Melmerby Beach Provincial Park; however, the licence and lease documents for AQ#1224 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#0177 is within 200 metres of Melmerby Beach Provincial Park; however, there were no concerns raised during the performance review or public comment period with respect to other users of the marine environment.

AQ#1224 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#1224 in Little Harbour is approximately 170 metres away, and is also operated by Paul Budreski. There are also two other sites within 1.0 kilometre, one of which is also operated by Paul Budreski. 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 #1224 shall be renewed for a period of 10 years (February 27, 2016 to February 27, 2026) and Aquaculture Lease #1224 shall be renewed for a period of 20 years (February 27, 2016 to February 27, 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.

Brennan Goreham

**Brennan Goreham
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5/4/16

Date