

Findings and Decision- Renewal Application of Arthur B. Graham for AQ#1316

1. Overview:

On October 5, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Arthur B. Graham to renew Aquaculture Licence and Lease #1316 (AQ#1316), as described below:

Table 1. Description of Aquaculture Licence and Lease #1316

Type: Marine Shellfish	Size: 4.00 HA
Number: AQ#1316	Cultivation Method: Suspended Cultivation and Bottom Shellfish Without Gear
Applicant: Arthur B. Graham	Species: American oyster
Location: Mabou Harbour, Inverness County	Proposed Term: 10 year Licence/20 year Lease

2. History

License and Lease AQ#1316 was originally issued to Arthur B. Graham on November 18, 2005 for a term of 10 years (November 1, 2005 to November 1, 2015) for the bottom cultivation of American oyster. AQ#1316 was amended on March 9, 2011 to allow for the suspended cultivation of American oyster on a portion of the lease and the bottom cultivation of American oyster on a portion of the lease.

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 October 20, 2015.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1316 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

Review of the file indicates the site has had limited annual production since issuance. Impacts from predation and invasive species have been noted. Records indicate continuous employment.

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. Performance review indicates contribution to local economy through involvement in community development activities.

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 presence of invasive Green Crab species has been noted and reported to the Department. AQ#1316 is licensed to cultivate American oyster, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon. The successful growth of oysters in Mabou Harbour using both bottom and suspended methods has been proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

AQ#1316 is located in Mabou Harbour, opposite West Mabou Beach Provincial Park. There are no recorded instances on file of AQ#1316 interfering with other users of the public waters surrounding the operation. AQ#1316 has certain areas where gear is permitted, and other areas where gear is not permitted, as outlined in Schedule A of the Licence and Lease respectively. 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. Sites within Mabou Harbour are located in the near-shore environment providing a main navigation corridor in the harbour. Individual sites within Mabou Harbour are geographically separated, providing corridors through which other users can navigate. There are eight other oyster aquaculture sites licensed in Mabou Harbour. 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 #1316 shall be renewed for a period of 10 years (November 1, 2015 to November 1, 2025) and Aquaculture Lease #1316 shall be renewed for a period of 20 years (November 1, 2015 to November 1, 2035).

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:

Arthur B. Graham 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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4/29/16

Date