

**Findings and Decision- Renewal Application of Jamie Davidson and Stephen MacIntosh
for AQ#1320**

1. Overview:

On February 26, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Jamie Davidson and Stephen MacIntosh to renew Aquaculture Licence and Lease #1320 (AQ#1320), as described below:

Table 1. Description of Aquaculture Licence and Lease #1320

Type: Marine Shellfish	Size: 10.21 HA
Number: AQ#1320	Cultivation Method: Suspended shellfish method
Applicant: Jamie Davidson and Stephen MacIntosh	Species: American oyster and Bay quahog
Location: Merigomish Harbour, Pictou County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1320 was first issued on August 23, 2006 for a term of ten years (July 1, 2006 to July 1, 2016). AQ#1320 was amended on November 3, 2003 to allow for the suspended cultivation, in addition to the bottom cultivation, of American oyster.

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 April 21, 2016.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1320 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of April 28, 2016 to May 27, 2016. Notice of the application was also published in the Royal Gazette Part I on April 27, 2016, May 4, 2016, May 11, 2016, and May 18, 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#1320 has had consistent levels of production and employment. Oyster aquaculture is an important sector of the Nova Scotia aquaculture sector, and the proposed production for AQ#1320 would have a positive impact on the local and provincial economy.

While the waters of Merigomish HarbourThe 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. AQ#1320 is authorized for the bottom cultivation of shellfish without gear on a certain portion of the site, and the suspended cultivation of shellfish on another portion of the site. 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#1320 is located in the near-shore environment, to the northwest of Burnt Island. The licence and lease documents for AQ#1320 will allow for access to the bottom portion of 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#1320 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#1320 is approximately 40 metres away (AQ#1355- issued to 3084315 Nova Scotia Limited). Also, AQ#1332, issued to Sam J. McKinlay, is approximately 100 metres away. 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 #1320 shall be renewed for a period of 10 years (July 1, 2016 to July 1, 2026) and Aquaculture Lease #1320 shall be renewed for a period of 20 years (July 1, 2016 to July 1, 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.



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7/11/16
Date