

Findings and Decision- Renewal Application of Bernie Livingstone for AQ#1324

1. Overview:

On November 27, 2015, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bernie Livingstone to renew Aquaculture Licence and Lease #1324 (AQ#1324), as described below:

Table 1. Description of Aquaculture Licence and Lease #1324

Type: Marine Shellfish	Size: 0.37 HA
Number: AQ#1324	Cultivation Method: Bottom shellfish without gear
Applicant: Bernie Livingstone	Species: American oyster
Location: North Denys Basin, Inverness County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1324 (formerly #0378B) was issued on April 30, 1996 for a ten year term (April 30, 1A996 to April 30, 2006). AQ#1324 was renewed on November 24, 2006 for a five year term (April 30, 2006 to April 30, 2011). AQ#1324 was renewed on March 30, 2011 for a five year term (April 30, 2011 to April 29, 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 March 16, 2016.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1324 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 7, 2016 to May 6, 2016. Notice of the application was also published in the Royal Gazette Part I on April 6, 2016, April 13, 2016, April 20, 2016, and April 27, 2016.

3.3 Submissions

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

4. Factors to be considered

AQ#1324 is located in waters which are MSX positive; as such, there has been no production on this site for a number of years. On-going efforts to address the issue of MSX in the Bras d'Or Lakes could lead to AQ#1324 coming into full production. Oyster aquaculture is an important sector of the Nova Scotia

aquaculture sector, and AQ#1324 coming into production 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. Records indicate a history of losses due to both invasive species and predation. AQ#1324 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#1324 is located in MacLean Cove and is immediately adjacent to the shoreline; however, the licence and lease documents for AQ#1324 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#1324 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#1324 is AQ#0409 and is approximately 0.25 km 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 #1324 shall be renewed for a period of 10 years (April 29, 2016 to April 29, 2026) and Aquaculture Lease #1324 shall be renewed for a period of 20 years (April 29, 2016 to April 29, 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.



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5/24/16
Date