

Findings and Decision - Renewal Application of Donna Ferguson for AQ#0325

1. Overview:

On July 11, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Donna Ferguson to renew Aquaculture Licence and Lease #0325 (AQ#0325), as described below:

Table 1. Description of Aquaculture Licence and Lease #0325

Type: Marine Shellfish	Size: 105.58 HA
Number: AQ#0325	Cultivation Method: Bottom shellfish without gear method
Applicant: Donna Ferguson	Species: American oyster and Bay quahog
Location: Tatamagouche Bay, Colchester County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0325 was first issued on March 28, 2002 for a 10 year term (January 21, 2002 to January 21, 2012). AQ#0325 was assigned to Donna Ferguson on May 1, 2012. AQ#0325 was renewed on May 1, 2012 for a 5 year term (January 21, 2012 to January 20, 2017).

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 review is required pursuant to Subsection 72(c) of the Aquaculture Licence and Lease Regulations, and was completed on January 28, 2017.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0325 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 9, 2017 to March 10, 2017. Notice of the application was also published in the Royal Gazette Part I on February 8, 2017, February 15, 2017, February 22, 2017, and March 1, 2017.

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 that the site has not had consistent production during the last ten years. This triggered the Department's site utilization review procedures, and the operator was required to provide NSDFA with their plans to develop the site. These plans indicate production is planned for this site and therefore resulting employment. Department staff will continue to monitor site utilization plans to ensure that these plans are implemented as submitted.

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. AQ#0325 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. Should the operator apply to have gear on the lease, the application will undergo a review process that includes Navigable Waters approval by Transport Canada. 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 to keep each site marked during the term of their licence.

AQ#0325 is located in the nearshore environment of Tatamagouche Bay, Colchester County and is directly South of Aquaculture site #1014. There are additional aquaculture sites for the cultivation of shellfish in Tatamagouche Bay. The physical separation of AQ#0325 from neighbouring aquaculture sites provides for multiple corridors within the bay. There is no evidence to suggest that the extent of existing aquaculture sites within the bay has exceeded the carrying capacity of the bay.

5. Decision

Based on the considerations above, Aquaculture Licence #0325 shall be renewed for a period of 10 years (January 20, 2017 to January 20, 2027) and Aquaculture Lease #0325 shall be renewed for a period of 20 years (January 20, 2017 to January 20, 2037).

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

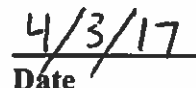
In addition, the following condition shall apply:

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
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture


Date