

## Findings and Decision - Renewal Application of Alex a. Dunphy for AO#0328

### 1. Overview:

On September 15, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Alex A. Dunphy to renew Aquaculture Licence and Lease #0328 (AQ#0328), as described below:

Table 1. Description of Aquaculture Licence and Lease #0328

<b>Type:</b> Marine Shellfish	<b>Size:</b> 21.34 HA
<b>Number:</b> AQ#0328	<b>Cultivation Method:</b> Bottom shellfish without gear method
<b>Applicant:</b> Alex A. Dunphy	<b>Species:</b> American oyster
<b>Location:</b> South Harbour, Aspy Bay, Victoria County	<b>Proposed Term:</b> 10 year licence/20 year lease

### 2. History

The site currently issued as AQ#0328 was first issued as a federal oyster lease on June 9, 1987 for a twenty year term (April 1, 1987 to April 1, 2007). AQ#0328 was issued as a provincially licensed and leased aquaculture site on August 1, 2007 for a ten year term (April 1, 2007 to March 31, 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 performance review is required pursuant to Subsection 72(c) of the Aquaculture Licence and Lease Regulations, and was completed on October 26, 2016.

#### 3.2 *Public Comment Period*

Notice of the application for the renewal of AQ#0328 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, 15, 22 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

AQ#0328 is located in waters which are MSX positive; as such, there has been no production on this site in several years. On-going efforts by the operator to address the issue of MSX through hatchery technology could lead to AQ#0328 coming into full production. Oyster aquaculture is an important

sector of the Nova Scotia aquaculture industry, and AQ#0328 coming into increased 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. AQ#0328 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 to keep each site marked during the term of their licence.

AQ#0328 is located in South Harbour, approximately 400 metres from the shoreline at its nearest point. The licence and lease documents for AQ#0328 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#0328 is licensed to cultivate shellfish, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon. AQ#0330 (Dunphy's Oysters) and AQ#1235 (Alex A. Dunphy) are both located in South Harbour within 1.0 km of AQ#0328. 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 #0328 shall be renewed for a period of 10 years (April 1, 2017 to April 1, 2027) and Aquaculture Lease #0328 shall be renewed for a period of 20 years (April 1, 2017 to April 1, 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**  
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**Nova Scotia Department of Fisheries and Aquaculture**



**Date**