

## **Findings and Decision - Renewal Application of Nolan d'Eon for AQ#1314**

### **1. Overview:**

On September 9, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Nolan d'Eon to renew Aquaculture Licence and Lease #1314 (AQ#1314), as described below:

Table 1. Description of Aquaculture Licence and Lease #1314

<b>Type:</b> Marine Shellfish	<b>Size:</b> 2.70 HA
<b>Number:</b> AQ#1314	<b>Cultivation Method:</b> Suspended shellfish method
<b>Applicant:</b> Nolan R. D'Eon	<b>Species:</b> American oyster
<b>Location:</b> Eel Lake, Yarmouth County	<b>Proposed Term:</b> 10 year licence/20 year lease

### **2. History**

AQ#1314 was first issued to Nolan d'Eon on April 20, 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 12, 2016.

#### *3.2 Public Comment Period*

Notice of the application for the renewal of AQ#1314 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#1314 is an integral component of the operators plans multi-site suspended oyster operation in the Eel Lake area, which includes a processing facility. Records indicate continued production and employment since first issuance. The 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 that successful development of this site will 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#1314 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 successful growth of oysters in Eel Lake is proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

There are no recorded instances on file of AQ#1314 interfering with other users of the public waters surrounding the operation. AQ#1314 is authorized to cultivate shellfish using suspended gear, and as such the gear must remain within the geographic boundaries 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#1314 is located in the nearshore environment of the southern portion of Eel Lake, approximately 30 metres from the shoreline. AQ#1314 is within approximately 150 metres of the nearest aquaculture site (AQ#1087, issued to John Paul Babin). Thus, the physical separation of AQ#1314 from the shoreline and neighbouring aquaculture sites provides for multiple corridors within the area. AQ#1314 is one of four shellfish aquaculture sites located within Eel Lake. There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area.

## **5. Decision**

Based on the considerations above, Aquaculture Licence #1314 shall be renewed for a period of 10 years (March 31, 2017 to March 31, 2027) and Aquaculture Lease #1314 shall be renewed for a period of 20 years (March 31, 2017 to March 31, 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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**Brennan Goreham**  
**Aquaculture Administrator**  
**Nova Scotia Department of Fisheries and Aquaculture**

*March 16, 2017*

**Date**