

Findings and Decision- Renewal Application of Samuel McKinlay for AQ#1332

1. Overview:

On October 27, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Samuel McKinlay to renew Aquaculture Licence and Lease #1332 (AQ#1332), as described below:

Table 1. Description of Aquaculture Licence and Lease #1332

Type: Marine	Current Size: 2.85 HA
Number: AQ#1332	Current Cultivation Method: Bottom shellfish without gear
Applicant: Samuel McKinlay	Current Species: American oyster, Bay quahogs
Location: Merigomish Harbour, Pictou County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1332 was first issued to Samuel McKinlay and Jamie Davidson on September 12, 2007 for a 10 year term (August 24, 2007 to August 23, 2017). AQ#1332 was assigned on July 14, 2015, whereby Jamie Davidson assigned his right and title to and in AQ#1332 to Samuel McKinlay.

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 May 1, 2017.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1332 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of June 8, 2017 to July 7, 2017. Notice of the application was also published in the Royal Gazette Part I on June 7, 14, 21, and 28.

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 the site has had consistent annual production and employment since issuance. The renewal plan indicates that 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. Oyster aquaculture is an important component of the Nova Scotia aquaculture sector, and the proposed production for AQ# 1332 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#1332 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 and keep each site marked during the term of their licence. AQ# 1332 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

There are no recorded instances on file of AQ#1332 interfering with other users of the public waters surrounding the operation. The licence and lease documents for AQ#1332 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. The allowance for access to the site by other users and the fact that AQ#1332 does not authorize the use of gear provides for sufficient navigation within the area.

AQ#1332 is located in the near-shore environment, adjacent to the northeast portion of Burnt Island. AQ#1355 (issued to 3084815 Nova Scotia Limited) is located approximately 100 metres to the north of AQ#1332 and AQ#1320 (issued to Jamie Davidson and Stephen MacIntosh) is located approximately 100 metres to the west of AQ#1332. 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 #1332 shall be renewed for a period of 10 years (August 23, 2017 to August 23, 2027) and Aquaculture Lease #1332 shall be renewed for a period of 20 years (August 23, 2017 to August 23, 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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August 2, 2017
Date