

Findings and Decision- Renewal Application of Wallace S. Murray for AQ#0634

1. Overview:

On September 14, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Wallace S. Murray to renew Aquaculture Licence and Lease #0634 (AQ#0634), as described below:

Table 1. Description of Aquaculture Licence and Lease #0634

Type: Marine	Current Size: 6.92 HA
Number: AQ#0634	Current Cultivation Method: Bottom shellfish without gear
Applicant: Wallace S. Murray	Current Species: American oyster
Location: Merigomish Harbour, Pictou County	Proposed Term: 10 year Licence/ 20 year Lease

2. History

AQ#0634 was first issued on September 3, 1992 to Wallace S. Murray for a 10 year term (September 8, 1992 to September 8, 2002). AQ#0634 was renewed on October 31, 2002 for a 5 year term (September 1, 2002 to September 1, 2007). AQ#0634 was renewed on October 21, 2007 for a 5 year term (September 1, 2007 to August 31, 2017). AQ#0634 was renewed on December 10, 2013 for a 5-year term (September 1, 2012 to September 1, 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 May 15, 2017.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0634 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, June 14, June 2 and June 28, 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 the site has had consistent annual production since issuance. Records indicate continuous employment. 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# 0634 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#0634 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 keep each site marked during the term of their licence. AQ# 0634 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#0634 interfering with other users of the public waters surrounding the operation. The licence and lease documents for AQ#0634 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#0634 does not authorize the use of gear provides for sufficient navigation within the area.

AQ#0634 is located in Merigomish Harbour, approximately 230 metres from the shoreline at its nearest point. The closest aquaculture site to AQ# 0634 is approximately 2.75 kilometres 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 #0634 shall be renewed for a period of 10 years (September 1, 2017 to September 1, 2027) and Aquaculture Lease #0634 shall be renewed for a period of 20 years (September 1, 2017 to September 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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Aquaculture Administrator

Nova Scotia Department of Fisheries and Aquaculture

7/24/17

Date