

**Findings and Decision- Renewal Application of David MacNeil for AQ#1330**

**1. Overview:**

On February 9, 2017, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from David MacNeil to renew Aquaculture Licence and Lease #1330 (AQ#1330), as described below:

Table 1. Description of Aquaculture Licence and Lease #1330

<b>2. Type:</b> Marine	<b>Current Size:</b> 3.94 HA
<b>Number:</b> AQ#1330	<b>Current Cultivation Method:</b> Suspended cultivation and bottom cultivation without gear
<b>Applicant:</b> David MacNeil	<b>Current Species:</b> American oyster
<b>Location:</b> Mabou Harbour, Inverness County	<b>Proposed Term:</b> 10 year Licence/20 year Lease

**3. History**

AQ#1330 was first issued on September 12, 2007 for a ten year term (September 1, 2007 to August 31, 2017). AQ#1330 was amended on February 16, 2011 to authorize the suspended cultivation of American oysters on a portion of the site and the bottom cultivation of American oysters on a portion of the site.

**4. 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 16, 2017.

*3.2 Public Comment Period*

Notice of the application for the renewal of AQ#1330 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.

## **5. Factors to be considered**

Review of the file indicates the site has had consistent annual production since issuance. Records indicate continuous employment. Renewal plan indicated continued production is planned for this site and therefore resulting in employment. Should the operator not operate the site as indicated, the Department's site utilization review procedures will be triggered.

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 the respect to negative impacts on other fisheries. AQ#1330 is licensed to cultivate American oyster, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

The successful growth of oysters in Mabou Harbour using both bottom and suspended methods has been proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. AQ#1330 is located within waters that are currently classified as *Conditionally Approved* by the Canadian Shellfish Sanitation Program (CSSP); therefore, product can only be harvested pursuant to a Conditional Management Plan (CMP) that is approved by the CSSP Partners (Fisheries and Oceans Canada, Environment and Climate Change Canada, and the Canadian Food Inspection Agency).

AQ#1330 is located in the western portion of Mabou Harbour, near the mouth of Hector's Brook. There are no recorded instances on file of AQ#1330 interfering with other users of the public waters surrounding the operation. AQ#1330 has certain areas where gear is permitted, and other areas where gear is not permitted, as outlined in Schedule A of the Licence and Lease respectively. The licence and lease documents for AQ#1330 will allow for access to the bottom cultivation portion of the site by the general public for recreational activities, provided that the public does not harvest the product on 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 and keep each site marked during the term of their licence. Also, it is a requirement for the equipment and aquacultural product to remain within the geographic boundaries of that site.

Sites within Mabou Harbour are located in the near-shore environment providing a main navigation corridor in the harbour. Individual sites within Mabou Harbour are geographically separated, providing corridors through which other users can navigate. There are 8 other oyster aquaculture sites licensed in Mabou Harbour. There is no evidence to suggest that the extent of existing aquaculture in the harbour has exceeded the carrying capacity of the harbour.

**6. Decision**

Based on the considerations above, Aquaculture Licence #1330 shall be renewed for a period of 10 years (August 31, 2017 to August 31, 2027) and Aquaculture Lease #1330 shall be renewed for a period of 20 years (August 31, 2017 to August 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*.

**7. 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*

**Brennan Goreham**  
**Aquaculture Administrator**  
**Nova Scotia Department of Fisheries and Aquaculture**

*7/24/17*

**Date**