

Findings and Decision- Renewal Application of H. Eben Elliott for AQ#0331

1. Overview:

On March 8, 2017, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from H. Eben Elliott to renew Aquaculture Licence and Lease #0331 (AQ#0331), as described below:

Table 1. Description of Aquaculture Licence and Lease #0331

Type: Marine	Current Size: 2.17 HA
Number: AQ#0331	Current Cultivation Method: Bottom cultivation without gear
Applicant: H. Eben Elliott	Current Species: American oyster
Location: Wallace Bay, Cumberland County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0331 was first issued on September 16, 1992 for a ten year term (September 21, 1992 to September 21, 2002). AQ#0331 was renewed on September 30, 2002 for a five year term (September 21, 2002 to September 21, 2007). AQ#0331 was renewed on April 29, 2007 for a five year term (September 21, 2007 to September 20, 2012). AQ#0331 was renewed on May 8, 2013 for a five year term (September 20, 2012 to September 19, 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 July 11, 2017.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0331 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of August 3, 2017 to September 1, 2017. Notice of the application was also published in the Royal Gazette Part I on August 2, 9, 16 and 23, 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 consistent production during the last tenure. 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. The site is located in waters that are currently classified as *Approved* for shellfish cultivation by the Canadian Shellfish Sanitation Program. AQ#0331 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

AQ#0331 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* required an aquaculture licence holder to keep each site marked during the term of their licence.

AQ#0331 is located in the inner portion of Wallace Bay, Cumberland County. AQ#0331 is located approximately 250 metres from the shoreline at its nearest point. The nearest aquaculture site to AQ#0331 is AQ#0306 (Marine Shellfish), which is located approximately 7.50 km away. There is no evidence to suggest that the extent of existing aquaculture sites within the bay has exceeded the carrying capacity of the bay.

5. Decision

Based on the considerations above, Aquaculture Licence #0331 shall be renewed for a period of 10 years (September 19, 2017 to September 19, 2027) and Aquaculture Lease #0331 shall be renewed for a period of 20 years (September 19, 2017 to September 19, 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

Aquaculture Administrator

Nova Scotia Department of Fisheries and Aquaculture

SEP 15 2017
Date