

Findings and Decision - Renewal Application of Philip Docker for AQ#1086

1. Overview:

On May 2, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Philip Docker to renew Aquaculture Licence and Lease #1086 (AQ#1086), as described below:

Table 1. Description of Aquaculture Licence and Lease #1086

Type: Marine	Size: 1.94 HA
Number: AQ#1086	Cultivation Method: Suspended shellfish method; Bottom shellfish cultivation without gear
Applicant: Philip Docker	Species: American oyster, Bay scallop, Bay quahog, Razor Clam
Location: Merigomish Harbour, Pictou County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1086 was first issued to Philip Docker on November 9, 1998 for a five year term (November 9, 1998 to November 9, 2003). AQ#1086 was amended on June 28, 2000, to extend the term for an additional five years thus amending the expiration date November 9, 2008. AQ#1086 was amended on June 28, 2002 to authorize the cultivation of Bay scallop. AQ#1086 was amended on May 25, 2004 to authorize the cultivation of Bay quahog. AQ#1086 was renewed on November 6, 2008 for a five year term (November 9, 2008 to November 8, 2013). AQ#1086 renewed on November 15, 2013 for a five year term (November 8, 2013 to November 8, 2018). AQ#1086 was amended on September 22, 2015 to authorize the cultivation of Razor clam.

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 November 14, 2018.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1295 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of July 5, 2018 to August 3, 2018. Notice of the application was also published in the Royal Gazette Part I on July 4, July 11, July 18 and July 25, 2018.

3.3 Submissions

Zero submissions were received by NSDFA during the 30-day public comment period.

4. Factors to be considered

AQ#1086 is a part of the operator's two-site shellfish aquaculture operation in Pictou County, which also includes a processing operation. The renewal plan indicated 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 continued operation 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 the negative impact to the other fisheries. The successful growth of shellfish species in area is proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding waters.

AQ#1086 is authorized to cultivate shellfish species using suspended gear, and as such the gear must remain within the geographic boundaries of the site. Furthermore, AQ#1086 is authorized to cultivate Razor Clams on-bottom. 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#1086 must also continue to hold approval from Transport Canada as it relates to navigable waters. Also, it is a requirement for the equipment and aquacultural produce to remain within the geographic boundaries of the site.

AQ#1086 is located in the nearshore environment of Robinson Cove. The nearest aquaculture site to AQ#1086 is also issued to Philip Docker (AQ#1086), which is located in Camerons Cove approximately 1.00 km to the southwest of AQ#1086. Furthermore, AQ#1086 has a navigation channel through the centre of the site. Thus, the physical separation of AQ# 1086 from the shoreline and neighbouring aquaculture sites provides for sufficient navigation within the harbour. There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the waters.

5. Decision

Based on the considerations above, Aquaculture Licence #1086 shall be renewed for a period of 10 years (November 8, 2018 to November 8, 2028) and Aquaculture Lease #1086 shall be renewed for a period of 20 years (November 8, 2018 to November 8, 2038).

The Licence and Lease documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publicly 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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11/16/18

Date