

## Findings and Decision - Renewal Application of George Sylliboy for AQ#0638

### 1. Overview:

On September 14, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from George Sylliboy to renew Aquaculture Licence and Lease #0638 (AQ#0638), as described below:

Table 1. Description of Aquaculture Licence and Lease #0638

<b>Type:</b> Marine Shellfish	<b>Size:</b> 3.21 HA
<b>Number:</b> AQ#0638	<b>Cultivation Method:</b> Bottom cultivation without gear
<b>Applicant:</b> George Sylliboy	<b>Species:</b> American oyster
<b>Location:</b> East Bay, Cape Breton County	<b>Proposed Term:</b> 10 year Licence and 20 year Lease

### 2. History

AQ#0638 was first issued on July 16, 1992 for a ten year term (July 20, 1992 to July 19, 2002). AQ#0638 was renewed on October 8, 2002 for a five year term (July 26, 2002 to July 26, 2007). AQ#0638 was renewed on December 16, 2008 for a five year term (July 26, 2007 to July 25, 2012). AQ#0638 renewed on November 26, 2013 for a five year term (July 25, 2012 to July 25, 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 October 31, 2018.

#### 3.2 *Public Comment Period*

Notice of the application for the renewal of AQ#0638 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of November 1, 2018 to November 30, 2018. Notice of the application was also published in the Royal Gazette Part I on October 31, November 7, November 14, and November 21, 2018.

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

### 4. Factors to be considered

AQ#0638 is located in waters which are MSX positive; as such, there has been no production on this site for a number of years. On-going efforts to address the issue of MSX in the Bras d'Or Lakes could lead to AQ#0638 coming into full production. Oyster aquaculture is an important

sector of the Nova Scotia aquaculture sector, and AQ#0638 coming into production 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 the other fisheries. AQ#0638 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. 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#0638 is located immediately adjacent to the shoreline in West Eskasoni Harbour; however, the licence and lease documents for AQ#0638 will 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. AQ#0638 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon. The closest aquaculture site to AQ#0638 is approximately 90 metres away. There is no evidence to suggest that the extent of the existing aquaculture in the area has exceeded the carrying capacity of the harbour.

## 5. Decision

Based on the considerations above, Aquaculture Licence #0638 shall be renewed for a period of 10 years (July 25, 2017 to July 25, 2027) and Aquaculture Lease #0638 shall be renewed for a period of 20 years (July 25, 2017 to July 25, 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 each corner and angle of the lease from May 1 to November 30, annually;
- b) Mark each corner and angle of the lease with a cautionary yellow buoy of a minimum 16 inches in diameter;
- c) Display "PRIV" in black, on opposite sides of each buoy;
- d) At 1 corner buoy, display in black, the licence/lease number, licence holder's name and contact phone number.



**Brennan Goreham**

**Aquaculture Administrator**

**Nova Scotia Department of Fisheries and Aquaculture**

12/5/18

Date