

Findings and Decision - Renewal Application of Howard S. Poulette for AQ#1088

1. Overview:

On September 14, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Howard S. Poulette to renew Aquaculture Licence and Lease #1088 (AQ#1088), as described below:

Table 1. Description of Aquaculture Licence and Lease #1088

Type: Marine Shellfish	Size: 3.94 HA
Number: AQ#1088	Cultivation Method: Bottom cultivation without gear
Applicant: Howard S. Poulette	Species: American oyster
Location: East Bay, Cape Breton County	Proposed Term: 10 year Licence and 20 year Lease

2. History

AQ#1088 was first issued on October 8, 1998 for a ten year term (October 8, 1998 to October 8, 2008). AQ#1088 was renewed on July 22, 2010 for a five year term (October 8, 2008 to October 7, 2013). AQ#1088 was renewed on May 1, 2014 for a five year term (January 8, 2013 to January 8, 2018).

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#1088 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#1088 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#1088 coming into full production. Oyster aquaculture is an important sector of the Nova Scotia aquaculture sector, and AQ#1088 coming into production would have

a positive impact on the local and provincial economy. Any future plans to introduce suspended cultivation will require approval of an amendment application.

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#1088 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#1088 is located immediately adjacent to the northern shoreline of Eskasoni 3A; however, the licence and lease documents for AQ#1088 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#1088 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#1088 is on the southwestern and western shoreline of Eskasoni 3A (AQ#1088). 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 #1088 shall be renewed for a period of 10 years (October 8, 2018 to October 8, 2028) and Aquaculture Lease #1088 shall be renewed for a period of 20 years (October 8, 2018 to October 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:

- 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
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Date