

Findings and Decision- Renewal Application of Sober Island Oysters Limited for AQ#1323

1. Overview:

On January 29, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Sober Island Oysters Limited to renew Aquaculture Licence and Lease #1323 (AQ#1323), as described below:

Table 1. Description of Aquaculture Licence and Lease #1323

Type: Marine	Size: 4.66 HA
Number: AQ#1323	Cultivation Method: Suspended cultivation
Applicant: Sober Island Oysters Limited	Species: American oyster
Location: Sober Island, Halifax County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1323 was first issued on August 14, 2008 for a ten year term (July 23, 2008 to July 22, 2018).

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 April 10, 2018.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1323 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of March 8, 2018 to April 6, 2018. Notice of the application was also published in the Royal Gazette Part I on March 14, 21, 28 and April 4, 2018.

3.3 Submissions

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

3. Factors to be considered

Review of the file indicates production over the past tenure of the lease and licence. Should the planned production not be realized, the Department's site utilization review procedures will be triggered. The operator is currently in the process of becoming a licensed processor, which will further increase the benefits to the economy of this operation.

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. There is no evidence that the renewal of AQ#1323 will have impacts on the sustainability of wild salmon.

The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

There are no recorded instances on file of AQ#1323 interfering with other users of the public waters surrounding the operation. AQ#1323 is authorized to cultivate both shellfish and marine plants using suspended gear, and as such the gear must remain within the geographic boundaries of the site. AQ#1323 must also continue to hold approval from Transport Canada as it relates to navigable waters. 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#1323 is located in the northern portion of Sober Island Pond in the nearshore environment, approximately 30 metres from the shoreline at its nearest point. The nearest site to AQ#1323 is AQ#1348 (also issued to Sober Island Oysters Limited.), which is approximately 420 metres away. Thus, the physical separation of AQ#1323 from the shoreline and neighbouring aquaculture sites provides for multiple corridors within the harbour. There is no evidence to suggest that the extent of existing aquaculture in the harbour has exceeded the carrying capacity of the harbour.

4. Decision

Based on the considerations above, Aquaculture Licence #1323 shall be renewed for a period of 10 years (July 22, 2018 to July 22, 2028) and Aquaculture Lease #1323 shall be renewed for a period of 20 years (July 22, 2018 to July 22, 2038).

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*.

5. 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.



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April 18/18
Date