

COPY

Findings and Decision - Renewal Application of Robert Livingstones for AQ#1289

1. Overview:

On May 14, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Robert Livingstone to renew Aquaculture Licence and Lease #1289 (AQ#1289), as described below:

Table 1. Description of Aquaculture Licence and Lease #1289

Type: Marine	Size: 3.00 HA
Number: AQ#1289	Cultivation Method: Bottom shellfish without gear
Applicant: Robert Livingstone	Species: American oyster
Location: South Denys Basin, Inverness County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1289 was first issued on November 12, 2003 for a ten year term (November 1, 2003 to November 1, 2013). AQ#1289 was renewed on November 15, 2013 for a five year term (November 1, 2013 to November 1, 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 August 27, 2018.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1289 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 11, 18, 25 and August 1, 2018.

3.3 Submissions

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

4. Factors to be considered

AQ#1289 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#1289 coming into full production. Oyster aquaculture is an important

sector of the Nova Scotia aquaculture sector, and AQ#1289 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. The presence of invasive tunicates was noted during the performance review. AQ#1289 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#1289 is located immediately adjacent to the southern shoreline of Stoney Point in South Denys Basin; however, the licence and lease documents for AQ#1289 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#1289 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#1289 is AQ#1083, which is located on the northern side of Stoney Point in North Denys Basin. There are three additional shellfish aquaculture sites within South Denys Basin, all more than 1.00 km from AQ#1289. There is no evidence to suggest that the extent of the existing aquaculture in the area has exceeded the carrying capacity of the harbor.

5. Decision

Based on the considerations above, Aquaculture Licence #1289 shall be renewed for a period of 10 years (November 1, 2018 to November 1, 2028) and Aquaculture Lease #1289 shall be renewed for a period of 20 years (November 1, 2018 to November 1, 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*.

6. Conditions

In addition, the following condition shall apply:

The operator shall adhere to the following site marking requirements:

For 2018:

- a) Mark each corner and angle of the lease from May 31 to November 30;
- 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.

For 2019 and years forward:

- 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

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

8/27/2018

Date