

Findings and Decision - Renewal Application of 3084315 Nova Scotia Limited for AO#1355

1. Overview:

On May 22, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from 3084315 Nova Scotia Limited to renew Aquaculture Licence and Lease #1355 (AQ#1355), as described below:

Table 1. Description of Aquaculture Licence and Lease #1355

Type: Marine Shellfish	Size: 4.49 HA
Number: AQ#1355	Cultivation Method: Bottom cultivation with gear on a portion of the site and bottom cultivation without gear
Applicant: 3084315 Nova Scotia Limited	Species: American oyster, Bay quahog
Location: Merigomish Harbour, Pictou County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1355 was first issued on June 8, 2011 for a ten-year term (May 23, 2011 to May 23, 2021). AQ#1355 was amended on November 25, 2020 to authorize bottom cultivation with gear method on a portion of the site.

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(d) of the Aquaculture Licence and Lease Regulations and was completed on March 3, 2021.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1355 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of January 28, 2021 to February 26, 2021. Notice of the application was also published in the Royal Gazette Part I on February 3, 10, 17 and 24, 2021.

3.3 Submissions

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

4. Factors to be considered

Review of the file indicates that the site has had production and employment over the duration of the current tenure of the licence and lease. Information submitted in support of the renewal application indicates continued contributions to the local and provincial economy. The information in support of the renewal suggests continued production is planned for this site and continued employment. Department staff will continue to monitor that production plans are implemented as submitted.

There are no recorded instances on file of AQ#1355 interfering with other users of the public waters surrounding the operation. Any complaints received by the Province of Nova Scotia specific to a particular aquaculture site, such as AQ#1355, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary. The operator of AQ#1355 is also required to adhere to all necessary and relevant Provincial and Federal legislation and regulations that may be applicable to the marine cultivation of shellfish.

The review of the application noted that there are no expected impacts on fisheries activities as a result of the amendment of this lease and licence. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. AQ#1355 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture will have impacts on the sustainability of wild salmon. The successful growth of American oysters in Merigomish Harbour has been proven. The information reviewed during the review of the application did not indicate adverse impacts on the surrounding public waters.

AQ#1355 is located in the near-shore environment, adjacent to the shoreline. AQ#1355 is located approximately 40 metres from AQ#1320 (issued to Jamie Davidson and Stephen MacIntosh), and approximately 100 metres to the north of AQ#1332 (issued to Samuel J. McKinlay). There is no evidence to suggest that the extent of existing aquaculture in the harbour has exceeded the carrying capacity of the harbour.

5. Decision

Based on the considerations above, Aquaculture Licence #1355 shall be renewed for a period of 10 years (May 22, 2021 to May 21, 2031) and Aquaculture Lease #1355 shall be renewed for a period of 20 years (May 22, 2021 to May 21, 2041).

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 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 side of each buoy;
- d) At 1 corner buoy, display in black, the licence/lease number, licence holder's name and contact phone number.



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

March 8, 2021

Date