

Findings and Decision – Renewal Application of William McGee for AQ#1352

1. Overview:

On May 27, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from William McGee to renew Aquaculture Licence and Lease #1352 (AQ#1352), as described below:

Table 1. Description of Aquaculture Licence and Lease #1352

Type: Marine	Size: 0.50 HA
Number: AQ#1352	Cultivation Method: Bottom cultivation without gear method
Applicant: William McGee	Species: American oyster
Location: Merigomish Harbour, Pictou County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1352 was first issued to Wallace S. Murray on March 1, 2011 for a ten year term (February 2, 2011 to February 1, 2021). AQ#1352 was amended on March 28, 2012 to amend the size from 0.83 ha to 0.50 ha. AQ#1352 was assigned from Wallace S. Murray to William McGee on September 15, 2020.

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(b) of the Aquaculture Licence and Lease Regulations and was completed on December 15, 2020.

3.2 Public Comment Period

Notice of the application for the assignment of AQ#1352 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 5, 2020 to December 4, 2020. Notice of the application was also published in the Royal Gazette Part I on November 10, 17, 24 and December 1, 2020.

3.3 Submissions

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

4. Factors to be considered

Since first issuance, AQ#1352 has had production. Oyster aquaculture is an important sector of Nova Scotia aquaculture industry and the proposed production for AQ#1352 would have a positive impact on the local and provincial economy. The renewal plan indicates that continued production is planned for this site, and therefore resulting employment. Should the operator not operate the site as indicated, the Department's site utilization review procedures will be triggered.

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. AQ#1352 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. The operator of AQ#1352 will be required to adhere to the navigation requirements of the Canadian Navigable Waters Act, including necessary site marking requirements.

AQ#1352 is located within waters that are currently classified as *closed* by the Canadian Shellfish Sanitation Program (CSSP) (prohibition order GSN-2012-023). This site will be used in conjunction with site AQ#0634; a relay permit will be required from the Federal Department of Fisheries and Oceans (DFO) to relay harvested oysters from AQ#1352 to AQ#0634 for depuration.

AQ#1352 is located in the near shore environment of Merigomish Harbour; however, the licence and lease documents for AQ#1352 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#1352 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#1352 is approximately 2.75 kilometers away. There is no evidence to suggest that the extent of the existing aquaculture in the harbour has exceeded the carrying capacity of the harbour.

5. Decision

Based on the considerations above, Aquaculture Licence #1352 shall be renewed for a period of ten years (February 1, 2021 to January 31, 2031) and Aquaculture Lease #1352 shall be renewed for a period of twenty years (February 1, 2021 to January 31, 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 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’



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January 20, 2021

Date