

Findings and Decision - Assignment Application of Ellen Ferguson for AQ#0325

1. Overview:

On September 17, 2021, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an assignment application from Ellen Ferguson for Aquaculture Licence and Lease #0325 (AQ#0325), as described below:

Table 1. Description of AQ#0325

Type: Marine Shellfish	Location: Tatamagouche Bay, Colchester County
Number: AQ#0325	Size: 105.58 HA
Assignor: The Estate of Donna Ferguson	Cultivation Method: Bottom cultivation without gear
Assignee: Ellen Ferguson	Species: American oyster, Bay quahog

2. History

AQ#0325 was first issued to Douglas Ferguson on March 28, 2002 for a ten-year term (January 21, 2002 to January 21, 2012). AQ#0325 was assigned to Donna Ferguson on May 1, 2012. AQ#0325 was subsequently renewed with the most recent renewal approved on May 4, 2017 for a twenty-year lease term (January 21, 2017 to January 20, 2037) and a ten-year licence term (January 21, 2017 to January 20, 2027).

There is currently an application received and in-process to amend AQ#0325 for the following, which was not in scope of this assignment application:

- Addition of species Sea lettuce, Sugar kelp, Oarweed and Blue mussel
- Additional of cultivation methods: Suspended cultivation, bottom with gear cultivation

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their assignment application was completed. This review recommended that the site be assigned 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 July 22, 2022.

3.2 Public Comment Period

Notice of the application for the assignment of AQ#0325 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of June 16, 2022 to July 15, 2022. Notice of the application was also published in the Royal Gazette Part I on June 15, 22, 29 and July 6, 2022.

3.3 Submissions

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

4. Factors to be considered

This application to reassign AQ#0325 contained minimal changes to the current operation of the site until a decision is issued on the amendment application. As such, the effect on the factors to be considered were also minimal.

There were no ecological concerns identified in the past performance of this site with respect to the negative impacts on other fisheries. AQ#0325 is currently 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#0325 is required to adhere to all necessary and relevant Provincial and Federal legislation and regulations that may be applicable to the marine cultivation of shellfish. In particular, the operator must adhere to the *Canadian Shellfish Sanitation Program* as it relates to the harvest of shellfish from restricted waters.

The Farm Operations section of the Farm Management Plan for AQ#0325 will require the operator to indicate how they will run AQ#0325 in accordance with industry best practices with respect to maintaining the site in good order, the removal of decommissioned farm supplies and equipment, and the retrieval of gear or debris that has broken loose.

The operator of AQ#0325 will be required to comply with the Terms and Conditions set out in Sections 52 to 59 of the *Aquaculture Licence and Lease Regulations*, including Section 59A:

An aquaculture licence holder must use all of the aquaculture site for aquaculture purposes, to the degree and in the manner determined by the Administrator.

AQ#0325 is located in the nearshore environment of Tatamagouche Bay, Colchester County and is directly south of Aquaculture site AQ#1014. There are additional aquaculture sites for the cultivation of shellfish in Tatamagouche Bay. The physical separation of AQ#0325 from neighboring aquaculture sites provides for multiple corridors within the bay. There is no evidence to suggest that the extent of existing aquaculture sites within the bay has exceeded the carrying capacity of bay.

5. Decision

Based on the considerations above, The Estate of Donna Ferguson's right, title, and interest in and to AQ#0325 is hereby assigned to Ellen Ferguson. The assignment shall have an effective date of July 25, 2022. Except as expressly assigned, AQ#0325 shall continue in full force and effect.



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

July 25, 2022

Date