

AO#1037 Findings and Decision - Assignment Application of Paul Belliveau, Marc Belliveau and Bernadette Aymar for AO#1037

1. Overview:

On January 9, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an assignment application from Paul Belliveau, Marc Belliveau and Bernadette Aymar for Aquaculture Licence and Lease #1037 (AQ#1037), as described below:

Table 1. Description of Aquaculture Licence and Lease #1037

Type: Marine	Location: St. Mary's Bay, Digby County
Number: AQ#1037	Current Size: 7.74 HA
Assignor: Paul Belliveau	Current Cultivation Method: Suspended cultivation
Assignee: Paul Belliveau, Marc Belliveau, Bernadette Aymar	Current Species: American oyster, Blue mussel, Giant sea scallop, Soft shell clam, European oyster

2. History

AQ#1037 was first issued on July 20, 1998 to Paul Belliveau for a five year term from July 20, 1998 to July 20, 2003. AQ#1037 was amended on June 2, 2003 to add the suspended cultivation of Blue mussel and Giant sea scallop. AQ#1037 was renewed on February 13, 2004 for a five year term from July 20, 2003 to July 20, 2008. AQ#1037 was renewed on May 15, 2009 for a five year term from July 20, 2008 to July 19, 2013. AQ#1037 was renewed on November 15, 2013 for a five year term from July 19, 2013 to July 19, 2018. AQ#1037 licence was renewed on May 7th 2018 for a ten year term from July 19, 2018 to July 19, 2028. AQ#1037 lease was renewed on May 7th 2018 for a twenty year term from July 19, 2018 to July 19, 2038.

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 March 5, 2018.

3.2 Public Comment Period

Notice of the application for the assignment of AQ#1037 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

4. Factors to be considered

Review of the file does not indicate production over the past tenure of the lease and licence; however, information submitted in support of the assignment suggests future development and resulting production and employment. Should the production not be realized, 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 are no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. 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#1037 must also continue to hold approval from Transport Canada as it relates to navigable waters. Also, it is a requirement for the equipment and aquacultural product to remain within the geographic boundaries of that site.

There are no indications that the successful growth of shellfish using suspended methods should not be viable. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. AQ#1037 is located approximately 400 meters from shoreline at its nearest point and is located approximately 400 meters from the nearest aquaculture operation (AQ#0828 – issued to Vince Stuart). The physical separation from the shoreline and other aquaculture sites provide for navigation channels within the waterway. There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area. AQ#1037 is licensed for shellfish aquaculture, and there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

5. Decision

Based on the considerations above, Paul Belliveau's right, title, and interest in and to Aquaculture Licence #1037 and Aquaculture Lease #1037 is hereby assigned to Paul Belliveau, Marc Belliveau and Bernadette Aymar. The assignment shall have an effective date of May 15, 2018. The approval 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*.

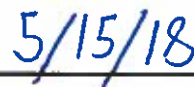
6. Conditions

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.



Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture



Date