

Findings and Decision - Renewal Application of Mel Grover for AQ#1062

1. Overview:

On October 30, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Mel Grover to renew Aquaculture Licence and Lease #1062 (AQ#1062), as described below:

Table 1. Description of Aquaculture Licence and Lease #1062

Type: Marine	Size: 25.92 HA
Number: AQ#1062	Cultivation Method: Bottom shellfish without gear
Applicant: Mel Grover	Species: American oyster
Location: Aspy Bay, Victoria County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1062 was first issued on April 30, 1997 for a ten-year term (April 30, 1997 to April 30, 2007). AQ#1062 was renewed on May 12, 2008 for a two-year term (April 30, 2007 to April 29, 2009). AQ#1062 was renewed on August 25, 2009 for a two-year term (April 30, 2009 to April 29, 2011). AQ#1062 was renewed on March 28, 2012 for a three-year term (April 30, 2011 to April 29, 2014). AQ#1062 was renewed on May 29, 2014 for a five-year term from April 30, 2014 to April 29, 2019.

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 April 3, 2019.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1062 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 3, 2019 to February 1, 2019. Notice of the application was also published in the Royal Gazette Part I on January 2, 9, 16 and 23 2019.

3.3 Submissions

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

4. Factors to be considered

AQ#1062 is located in waters which are MSX positive; however, review of the file indicates consistent and meaningful production and employment in recent years. The renewal plan indicates continued production is planned for this site, which should continue to provide 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. Records indicate past issues relating to invasive species and predation. AQ#1062 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.

The successful growth of shellfish in the area using bottom cultivation methods has been proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. AQ# 1062 is located in the nearshore environment of Aspy Bay near Cranberry Marsh Island and Sheep Island; however, the licence and lease documents for AQ#1062 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#1062 is one of four issued aquaculture sites in North Harbour and is located approximately 230 metres from the nearest aquaculture operation (AQ#1111 - issued to Scott and Joyce Brown). There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area. AQ#1062 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, Aquaculture Licence #1062 shall be renewed for a period of 10 years (April 30, 2019 to April 30, 2029) and Aquaculture Lease # 1062 shall be renewed for a period of 20 years (April 30, 2019 to April 30, 2039).

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 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
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Nova Scotia Department of Fisheries and Aquaculture

April 8/19

Date