

Findings and Decision- Assignment Application of Kevin Campbell for AQ#1176

1. Overview:

On, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Kevin Campbell on October 3, 2018 for Aquaculture Licence and Lease #1176 (AQ#1176), as described below:

Table 1. Description of Aquaculture Licence and Lease #1176

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|----------------------------------|--|
| Type: Marine Shellfish | Location: Little Harbour, Pictou County |
| Number: AQ#1176 | Size: 2.72 HA |
| Assignor: Tammy MacKinlay | Cultivation Method: Bottom without gear |
| Assignee: Kevin Campbell | Species: American oyster |

2. History

AQ #1 176 was first issued on January 8, 2001 for a ten year term (January 8, 2001 to January 8, 2011). AQ#1176 was amended on November 3, 2003 to allow for the cultivation of American oyster. AQ#1176 was renewed on February 10, 2011 for a five year term (January 8, 2011 to January 7, 2016). AQ#1176 was renewed on May 30, 2016 for a ten year licence term (January 8, 2016 to January 8, 2026) and a twenty year lease term (January 8, 2016 to January 8, 2036).

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(d) of the Aquaculture Licence and Lease Regulations and was completed on March 12, 2019.

3.2 Public Comment Period

Notice of the application for the assignment of AQ#1176 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of December 6, 2018 to January 4, 2019. Notice of the application was also published in the Royal Gazette Part I on December 12, 19 and 26, 2018 and January 4, 2019.

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#1176 has had periods of limited production; however, there has been production in recent years. Oyster aquaculture is an important sector of the Nova Scotia

aquaculture sector, and the proposed production for AQ#1176 would have a positive impact on the local and provincial economy. The assignment 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. The operator indicates appropriate measures for dealing with noted invasive species. AQ#1176 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 Farm Management Plan of AQ#1176 has been conditionally approved. This approval is contingent on the operator addressing issues of gear on-site, either through submission of an amendment application or the removal of gear.

AQ#1176 is located in the near-shore environment, encompassing much of the small inlet to the northwest of MacNeil's Point; however, the licence and lease documents for AQ#1176 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#1176 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#1176 in Little Harbour is approximately 650 metres away, with four others within 2.00 kilometres. 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, Tammy McKinlay's right, title and interest in and to Aquaculture Licence #1176 and Aquaculture Lease #1176 is hereby assigned to Kevin Campbell. The assignment shall have an effective date of March 28, 2019. 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*.

In addition, the following condition shall apply.

6. Conditions

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.
- (e) Display the licence of lease number at 1 corner of the licensed or leased are.

Brennan Goreham

March 29/19

Brennan Goreham

Date

Aquaculture Administrator

Nova Scotia Department of Fisheries and Aquaculture