

Findings and Decision – Assignment Application of Florence Sampson for AQ#0280

1. Overview:

On July 8, 2019 the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an assignment application from Florence Sampson to assign Aquaculture Licence and Lease #0280 (AQ#0280), as described below:

Table 1. Description of Aquaculture Licence and Lease #0280

| | |
|-----------------------------------|--|
| Type: Marine Shellfish | Location: East Bay, Cape Breton County |
| Number: AQ# 0280 | Size: 3.73 HA |
| Assignor: Florence Sampson | Cultivation Method: Bottom shellfish without gear |
| Assignee: Rod Beresford | Species: American oyster |

2. History

AQ#0280 was first issued to Roy MacInnis on October 25th, 1994 for a ten-year term (October 31, 1994 to October 31st, 2004). AQ#0280 was assigned on October 25, 2020 from Roy MacInnis to Frank Sampson. AQ#0280 was assigned on June 14, 2011 from Frank Sampson (Estate of) to Florence Sampson. AQ#0280 was renewed on June 14, 2011 for a five-year term (October 30, 2009 to October 30, 2014). AQ#0280 was renewed on February 2, 2015 for a five-year term (October 30th, 2014 to October 30th, 2019).

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 24, 2020.

3.2 Public Comment Period

Notice of the application for the assignment of AQ#0280 for the 30-day public comment period was published on NSDFA’s website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of September 11, 2019 to October 10, 2019. Notice of the application was also published in the Royal Gazette Part I on September 11, 18, 25, October 2 and 9, 2019.

3.3 Submissions

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

4. Factors to be considered

AQ#0280 is located in waters which are MSX positive; as such, there has been no commercial production on this site in recent years. On-going efforts to address the issue of MSX in the Bras d'Or Lakes could lead to AQ#0280 coming into full production. Oyster aquaculture is an important sector of the Nova Scotia aquaculture sector, and AQ#0280 coming into production would have a positive impact on the local and provincial economy.

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#0280 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.

AQ#0280 is located adjacent to the shoreline. The licence and lease documents for AQ#0280 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#0280 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon. AQ#0280 is within 50 metres of three additional bottom cultivation aquaculture sites. 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, Florence Sampson's right, title and interest in and to Aquaculture Licence #0280 and Aquaculture Lease #0280 is hereby assigned to Rod Beresford. The assignment shall have an effective date of April 25, 2020. The approval 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

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.



March 26, 2020

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date