

**Findings and Decision- Renewal Application of Nolan R. d'Eon for AQ#0911**

**1. Overview:**

On December 10, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Nolan R. d'Eon to renew Aquaculture Licence and Lease #0911 (AQ#0911), as described below:

Table 1. Description of Aquaculture Licence and Lease #0911

<b>Type:</b> Marine	<b>Size:</b> 2.19 HA
<b>Number:</b> AQ#0911	<b>Cultivation Method:</b> Suspended cultivation
<b>Applicant:</b> Nolan R. d'Eon	<b>Species:</b> American oyster, Bay scallop and Bay quahog
<b>Location:</b> Eel Lake, Yarmouth County	<b>Proposed Term:</b> 10 year Licence/20 year Lease

**2. History**

AQ#0911 was first issued to Nolan d'Eon and Norman Babin on August 3, 1995 for a ten-year term (August 7, 1995 to August 7, 2005). AQ0911 was amended on June 17, 1998 to increase the size of the site from 1.05 HA to 2.10 HA. AQ0911 was renewed, to Nolan d'Eon as sole operator, on November 29, 2005 for a five-year term (August 7, 2005 to August 7, 2010). AQ0911 was renewed on February 16, 2011 for a five year-term (August 7, 2010 to August 6, 2015). AQ0911 was amended on June 13, 2012 to authorize the cultivation of Bay scallop. AQ0911 was Amended on April 16, 2014 to authorize the cultivation of Bay quahog, AQ0911 was renewed on August 4, 2015 for a five-year term (August 6, 2015 to August 6, 2020).

**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 June 9, 2020.

*3.2 Public Comment Period*

Notice of the application for the renewal of AQ#0911 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of February 13, 2020 to March 13, 2020. Notice of the application was also published in the Royal Gazette Part I on February 13, February 20, February 27 and March 5, 2020.

*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 indicates that the site has had consistent production and employment, AQ#0911 is an integral component of the operator's multi-site aquaculture operation. The information in support of the renewal suggests continued production is planned for this site and continued employment. Department staff will continue to monitor that production plans are implemented as submitted.

The performance review noted that there are no expected impacts on fisheries activities as a result of the renewal of this lease and licence. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. AQ#0911 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture will have impacts on the sustainability of wild salmon. The successful growth of American oysters in Eel Lake has been proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

There are no recorded instances on file of AQ#0911 interfering with other users of the public waters surrounding the operation. AQ#0911 is authorized to cultivate shellfish using suspended gear, and as such the gear must remain within the geographic boundaries of the site. 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. The licence and lease holder is to comply with the Canadian Navigable Waters Act and the agreed upon site markings with public access corridors where applicable.

The Farm Operations section of the Farm Management Plan for AQ#0911 will require the operator to indicate how they will operate AQ#0911 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. Any complaints received by the Province of Nova Scotia specific to a particular aquaculture site, such as AQ#0911, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

AQ#0911 is one of four shellfish aquaculture sites located in Eel Lake, Yarmouth County. The nearest site to AQ#0911 is AQ#1326, which is currently issued to The Maritime Oyster Company Limited, which is located approximately 180 metres away. AQ#0911 is located in the nearshore environment, with separation from the ordinary high-water mark. 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, Aquaculture Licence #0911 shall be renewed for a period of 10 years (August 7, 2020 to August 6, 2030) and Aquaculture Lease #0911 shall be renewed for a period of 20 years (August 7, 2020 to August 6, 2040). 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 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 of 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 to 1 corner of the licenses or leased area.



**June 18, 2020**

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**Brennan Goreham**  
**Aquaculture Administrator**  
**Nova Scotia Department of Fisheries and Aquaculture**

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**Date**