

Findings and Decision - Renewal Application of Stephen D. MacIntosh for AO#1350

1. Overview:

On June 24, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Stephen D. MacIntosh to renew Aquaculture Licence and Lease #1350 (AQ#1350), as described below:

Table 1. Description of Aquaculture Licence and Lease #1350

Type: Marine	Size: 17.33 HA
Number: AQ#1350	Cultivation Method: Bottom cultivation with gear
Applicant: Stephen D MacIntosh	Species: American oyster, Bay quahog
Location: Little Harbour, Powell Cove, Pictou County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1350 was first issued on February 2, 2011 for a ten year term (January 2, 2011 to January 1, 2021); Licence and Lease were amended on June 10, 2020 to add bottom cultivation with gear method on a certain portion of the site.

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(d) of the Aquaculture Licence and Lease Regulations and was completed on December 15, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1350 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of November 4, 2020 to December 5, 2020. Notice of the application was also published in the Royal Gazette Part I on November 4, November 11, November 18 and November 25, 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. Information submitted in support of the renewal applications indicates continued contributions to the local and provincial economy. The information in support of the renewal suggests continued production and employment is planned for this site. Department staff will continue to monitor that production plans are implemented as submitted.

AQ#1350 was recently amended to authorize the cultivation of shellfish using gear placed on the bottom to meet operational needs. The operator of AQ#1350 will be required to adhere to the navigation requirements of the *Canadian Navigable Waters Act*, including necessary site marking requirements. The Licence and Lease documents will allow for continued access through the leased area for the purposes of recreational activities; however, others will not be permitted to carry out the harvest of species authorized on AQ#1350.

The Farm Operations section of the Farm Management Plan for AQ#1350 will require the operator to indicate how they will operate AQ#1350 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. Also, the Farm Management Plan for AQ#1350 must include wildlife interaction strategies to mitigate impacts on, and from, wildlife in the area of the site. The operator will be required to adhere to the Migratory Birds Convention Act and associated regulations, and ensure that activities comply with the Act and Regulations. The prohibitions under Species at Risk Act (SARA) are currently in effect, and the operator is required to maintain compliance with the Act. The Aquaculture Activity Regulations (AAR) under the Federal Fisheries Act, apply to the operation of a licenced aquaculture lease and constitute the authorization and set the conditions for compliance with Sections 35 and 36 of the Federal Fisheries Act.

There are no recorded instances on file of AQ#1350 interfering with other users of the public waters surrounding the operation. Any complaints received by the Province of Nova Scotia specific to a particular aquaculture site, such as AQ#1350, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary. The operator of AQ#1350 is also required to adhere to all necessary and relevant Provincial and Federal legislation and regulations that may be applicable to the marine cultivation of shellfish.

The review of the application 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#1350 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 Chance Harbour has been proven. The information reviewed during the review of the application did not indicate adverse impacts on the surrounding public waters.

AQ#1350 is located in the nearshore environment, immediately adjacent to the shoreline of a small body of water. AQ#1350 is located less than 1.00 km from AQ#1129; however, AQ#1129

is located in a separate body of water. 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 #1350 shall be renewed for a period of 10 years (January 2, 2021 to January 1, 2031) and Aquaculture Lease #1350 shall be renewed for a period of 20 years (January 2, 2021 to January 1, 2041).

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.



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

December 17, 2020

Date