

Findings and Decision - Amendment Application of Eel Lake Oyster Farm Ltd. for AQ#1400

1. Overview:

On June 13, 2018 the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Eel Lake Oyster Farm Ltd. to amend the boundaries for Aquaculture Licence and Lease #1400 (AQ#1400), as described below:

Table 1. Description of Aquaculture Licence and Lease #1400

Type: Marine Shellfish	Current Size: 15.03 HA
Number: AQ#1400	Current Cultivation Method: Suspended Shellfish
Applicant: Eel Lake Oyster Farm Ltd.	Current Species: American Oyster
Location: Salt Bay, Yarmouth County	Proposed Amendment: Boundary Amendment (no change in size).

2. History

AQ#1400 was first issued on January 30, 2015 for a ten year term from (November 1, 2014 to November 1, 2024).

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their amendment 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 July 5, 2018.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1400 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 15, 2018 to December 14, 2018. Notice of the application was also published in the Royal Gazette Part I on November 14, November 21, November 28 and December 5, 2018.

3.3 Submissions

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

4. Factors to be considered

AQ#1400 is an integral component of the operator's multi-site suspended oyster operation in the Eel Lake area, which includes a licensed processing facility. Records indicate continued production and employment on this particular site since first issuance. The operator has indicated that modifying the boundaries of the site will enable greater productivity without increasing the overall size of the site.

The performance review and network review did not identify other fishing activities in the area of the existing site. No comments were received from members of the public, other users, or fish harvesters indicating that the amended boundaries would interfere with other uses of the area. There were no ecological concerns identified in the past performance of this site. The proposed amended boundaries of the site will be located in waters that are currently classified as Approved for shellfish cultivation by the Canadian Shellfish Sanitation Program. AQ#1400 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.


There are no recorded instances on file of AQ#1400 interfering with other users of the public waters surrounding the operation. AQ#1400 is authorized to cultivate shellfish using suspended gear, and as such the gear must remain within the amended geographic boundaries of this 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 and lease. Furthermore, the operator is required to adhere to the navigation protection provisions of Transport Canada.

The amended boundaries will remove the currently approved southeastern portion of AQ#1400, and add an equal sized portion to the northwestern portion of AQ#1400. AQ#1400 is the only aquaculture site located within Salt Bay. Four other shellfish aquaculture sites are located within approximately 1.00 km; however, they are located in a separate waterbody known as Eel Lake. The amended portion of AQ#1400 is at least 90 metres from the shoreline at all points. The separation of AQ#1400 from the shoreline and lack of additional aquaculture sites within the waterbody provides for navigation corridors within the harbor. Furthermore, AQ#1400 contains a corridor through the lease to enable navigation. There is no evidence to suggest that the extent of existing aquaculture in the waterbody has exceeded the carrying capacity of the waterbody.

5. Decision

Based on the considerations above, Aquaculture Licence #1400 and Lease #1400 shall be amended to change the boundaries. Except as expressly amended, Licence #1400 and Lease #1400 shall continue in full force and effect.

The Licence and Lease amendment 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*.



Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

12/24/18
Date