

Findings and Decision - Renewal Application of Patrick D. Timmons for AQ#0136

1. Overview:

On November 21, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Patrick D. Timmons to renew Aquaculture Licence and Lease #0136 (AQ#0136), as described below:

Table 1. Description of Aquaculture Licence and Lease #0136

Type: Marine	Size: 15.00 HA
Number: AQ#0136	Cultivation Method: Bottom shellfish without gear
Applicant: Patrick D. Timmons	Species: Blue mussel, American oyster, Giant sea scallop, Bay scallop
Location: St. of Canso North, Inverness County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0136 was first issued to Thomas E. Williams for a ten-year term (August 1, 1989 to July 31, 1999). AQ#0136 was assigned from Thomas E. Williams to Patrick David Timmons on August 3, 1989. AQ#0136 was amended on August 8, 1997 to restrict a portion of the site to seed collection only. AQ#0136 was renewed on May 24, 2000 for a five-year term (May 24, 2000 to May 24, 2005). AQ#0136 was renewed on April 20, 2005 for a five-year term (May 24, 2005 to May 24, 2010). AQ#0136 was renewed on June 28, 2010 for a five-year term (May 24, 2010 to May 23, 2015). AQ#0136 was amended on October 27, 2010 to authorize the cultivation of Bay scallops. AQ#0136 was renewed on June 24, 2015 for a five year term (May 23, 2015 to May 23, 2020). AQ#0136 was amended on January 23, 2017 to authorize the bottom cultivation without gear of Blue mussel, American oyster, Giant sea scallop, and Bay scallop.

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of the 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 May 20, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0136 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of April 2, 2020 to May 1, 2020. Notice of the application was also published in the Royal Gazette Part I on April 8, 15, 22, 29, 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 since 2005. Records indicate continuous employment. Renewal plans indicates 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 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#0136 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 shellfish in Long Pond 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#0136 interfering with other users of the public waters surrounding the operation. AQ#0136 is authorized for both the bottom cultivation without gear and suspended cultivation of shellfish species. The licence and lease holder is to comply with the Canadian Navigable Waters Act and the agreed upon site markings. 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#0136 has been approved for implementation. The Farm Operations section of the Farm Management Plan for AQ#0136 will require the operator to indicate how they will operate AQ#0136 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#0136, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

AQ#0136 is located within Long Pond, Inverness County, in close proximity to the shoreline. The nearest site to AQ#0136 is located approximately 6.50 km from site. The physical separation between sites addresses any concerns with respect to navigation between them. There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area.

5. **Decision**

Based on the considerations above, Aquaculture Licence #0136 shall be renewed for a period of 10 years (May 23, 2020 to May 23, 2030) and Aquaculture Lease #0136 shall be renewed for a period of 20 years (May 23, 2020 to May 23, 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 yellow cautionary buoys of a minimum of 60cm in diameter;
- b) Mark all corners of the leased bottom with a cement block or 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 at 1 corner of the licensed or leased area.



May 20, 2020

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date