

Findings and Decision - Renewal Application of Ian S. MacLean for AQ#0320

1. Overview:

On January 30, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Ian S. MacLean to renew Aquaculture Licence and Lease #0320 (AQ#0320), as described below:

Table 1. Description of Aquaculture Licence and Lease #0320

Type: Marine	Size: 0.35 HA
Number: AQ#0320	Cultivation Method: Bottom shellfish without gear
Applicant: Ian S. MacLean	Species: American oyster
Location: South Denys Basin, Inverness County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0320 was first issued on July 27, 1995 to Robert A. Campbell for a term of ten-years (July 31, 1995 to July 31, 2005). AQ#0320 was renewed on August 12, 2005 for a term of five-years (July 31, 2005 to July 31, 2010). AQ#0320 was assigned on September 21, 2005 from Robert A. Campbell to Ian S. MacLean. AQ#0320 was renewed on January 5, 2011 for a five-year term (July 31, 2010 to July 31, 2015). AQ#0320 was renewed on August 4, 2015 for a five-year term (July 31, 2015 to July 31, 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 May 12, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0320 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 9, 2020 to May 8, 2020. Notice of the application was also published in the Royal Gazette Part I on April 10, 17, 24, May 1, 2020.

3.3 Submissions

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

4. Factors to be considered

AQ#0320 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#0320 coming into full production. Oyster aquaculture is an important sector of the Nova Scotia aquaculture sector, and AQ#0320 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#0320 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#0320 is located adjacent to the shoreline with South Denys Basin. The licence and lease documents for AQ#0320 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#0320 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#0320 is one of four bottom cultivation aquaculture sites located within South Denys Basin, none of which are immediately adjacent. 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 #0320 shall be renewed for a period of 10 years (July 31, 2020 to July 31, 2030) and Aquaculture Lease #0320 shall be renewed for a period of 20 years (July 31, 2020 to July 31, 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*.

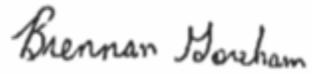
6. Conditions

In addition, the following condition shall apply:

The operator shall adhere to the following site marking requirements:

- a) Mark 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.



May 20, 2020

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date