

**Findings and Decision - Renewal Application of Scott MacEwan, Hallee MacEwan for
AQ#1129**

1. Overview:

On October 21, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Scott MacEwan, Hallee MacEwan to renew Aquaculture Licence and Lease #1129 (AQ#1129), as described below:

Table 1. Description of Aquaculture Licence and Lease #1129

Type: Marine	Size: 6.83 HA
Number: AQ#1129	Cultivation Method: Bottom shellfish without gear
Applicant: Scott MacEwan, Hallee MacEwan	Species: American oyster, Bay quahog, Bay scallop
Location: Little Harbour, Pictou County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1129 was first issued on June 16, 2000 for a ten-year term (June 16, 2000 to June 16, 2010). AQ#1129 was renewed on July 22, 2010 for a five-year term (June 16, 2010 to June 16, 2015). AQ#1129 was renewed on April 9, 2015 for a five-year term (June 16, 2015 to June 16, 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 April 28, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1129 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of January 9, 2020 to February 7, 2020. Notice of the application was also published in the Royal Gazette Part I on January 15, 22, 29 and February 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. Information submitted in support of the renewal application indicates continued contributions to

the local and provincial economy. 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#1129 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 Chapel Cove 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#1129 interfering with other users of the public waters surrounding the operation. AQ#1129 must maintain compliance with Transport Canada as it relates to navigable waters. 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 Licence and lease approval documents for AQ#1129 will allow for access to the site by the general public for recreational and other fishery activities, provided other users do not harvest the aquacultural product on the site.

The Farm Management plan of AQ#1129 has been conditionally approved. The Farm Operations section of the Farm Management Plan for AQ#1129 will require the operator to indicate how they will operate AQ#1129 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#1129, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

AQ#1129 is located in the Chapel Cove portion of Little Harbour, Pictou County. AQ#1129 is located in the nearshore environment. The nearest site to AQ#1129 is AQ#1176, within a distinct cove of Little Harbour. There is a total of 6 shellfish aquaculture sites located within all of Little Harbour. 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 #1129 shall be renewed for a period of 10 years (June 16, 2020 to June 16, 2030) and Aquaculture Lease #1129 shall be renewed for a period of 20 years (June 16, 2020 to June 16, 2040).

The Licence and Lease documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publically 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.

Brennan Goreham

May 8, 2020

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date