

**Findings and Decision - Renewal Application of Brian Lewis and Dale Webb  
for AQ#1347**

**1. Overview:**

On January 23, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Brian Lewis and Dale Webb to renew Aquaculture Licence and Lease #1347 (AQ#1347), as described below:

Table 1. Description of Aquaculture Licence and Lease #1347

<b>Type:</b> Marine	<b>Size:</b> 1.30 HA
<b>Number:</b> AQ#1347	<b>Cultivation Method:</b> Bottom shellfish with gear
<b>Applicant:</b> Brian Lewis and Dale Webb	<b>Species:</b> American oyster
<b>Location:</b> Caribou Harbour, Pictou County	<b>Proposed Term:</b> 10 year Licence/20 year Lease

**2. History**

AQ#1347 was first issued to Basil Tibbo and Dale Webb on September 14, 2009 for a ten year term (August 10, 2009 to August 9, 2019). AQ#1347 was assigned from Basil Tibbo and Dale Webb to Brian Lewis and Dale Webb on January 30, 2012. AQ#1347 was amended on October 19, 2012 to increase the size and to authorize the use of mesh bags to hold American oyster on the expanded 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(c) of the Aquaculture Licence and Lease Regulations, and was completed on October 2, 2019.

*3.2 Public Comment Period*

Notice of the application for the renewal of AQ#1347 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 4, 2019 to May 3, 2019. Notice of the application was also published in the Royal Gazette Part I on April 3, 2019, April 10, 2019, April 24, 2019 and May 1, 2019.

*3.3 Submissions*

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

**4. Factors to be considered**

Since the initial issuance of the Licence and Lease in 2012 there has been consistent employment and production. The renewal application indicates continued production for this site and therefore

resultant employment. Should the operator not operate the site as indicated, the Department's site utilization review procedures will be triggered.

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. Further, AQ#1347 is required to 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 corner 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#1347 was conditionally approved on March 22, 2019.

AQ#1347 is located in Caribou Harbour, Pictou County and will allow for access to a portion of the site by the general public for recreational activities, provided that the public does not harvest the product on the site. AQ#1347 is licensed to cultivate American oyster, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

The closest aquaculture site to AQ#1347 is also located in Caribou Harbour (AQ#1380) and is located 1 kilometer away. 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 #1347 shall be renewed for a period of 10 years (August 9, 2019 to August 9, 2029) and Aquaculture Lease #1347 shall be renewed for a period of 20 years (August 9, 2019 to August 9, 2039).

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.



**Brennan Goreham**  
**Aquaculture Administrator**  
**Nova Scotia Department of Fisheries and Aquaculture**

Oct 2, 2019  
**Date**