

Decision on Application to Renew a Marine Aquaculture Licence and Lease

Application to the Administrator:

On April 6, 2022, the Nova Scotia Department of Fisheries and Aquaculture (the “Department”) received an application to renew Aquaculture Licence and Lease #1364 (AQ#1364), as described below:

Application Summary:

Type: Marine	Size: 2.92 HA
Number: AQ#1364	Cultivation Method: Bottom cultivation without gear
Applicant: Stephen D. MacIntosh	
Location: Merigomish Harbour, Pictou County	Species: American oyster
Proposed Term: 10 year Licence / 20 year Lease	

Site History:

AQ#1364 was first issued on January 16, 2013, for a ten-year term (December 2, 2012 to December 1, 2022).

Performance Reviews Conducted by Administrator:

A performance review was conducted on the aquacultural operation of site AQ#1364, pursuant to Sections 71-72 of the *Aquaculture Licence and Lease Regulations* (the “Regulations”). There were no concerns raised following the performance review.

Public Submissions on Application to Administrator:

Pursuant to Section 41 of the Regulations, notice of the application was published on the Department’s website and in the Royal Gazette Part I inviting the public to submit written comments on the application to the Administrator within the 30 days following the date the notice was published. This notice was published on July 7, 2022.

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

Factors to be Considered (as set out in Section 3 of the Regulations):

The optimum use of marine resources

The applicant's development plan demonstrates an optimum use of marine resources. Review of the file indicates that the site has had consistent production and employment.

The contribution of the proposed operation to community and Provincial economic development

The species and methods of cultivation authorized for this site are suitable for this area and are expected to be a positive contribution to the local and provincial economy.

Fishery activities in the public waters surrounding the proposed aquacultural operation

As this is an application to renew an existing Aquaculture licence and lease, there are no expected novel impacts to the fishery activities in the public waters near the existing site.

The oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation

The area is suitable for the method of cultivation. The site is currently in a closed area, classified under the Canadian Shellfish Sanitation Program, requiring depuration under an approved Department of Fisheries and Oceans (DFO) depuration plan.

The other users of the public waters surrounding the proposed aquacultural operation

As this is an application to renew an existing Aquaculture licence and lease, there are no expected novel impacts to the other users of the public waters near the existing site.

The public right of navigation

The majority of the site area is not deep enough for large vessels. Because there are no major or minor works to be installed by the operator, there are no requirements for approvals under the *Canadian Navigable Waters Act*.

The sustainability of wild salmon

There is no indication that continued operation of the site for shellfish aquaculture will pose ecological concerns or have an impact on the sustainability of wild salmon.

The number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation

Site AQ#1360 is located along the shoreline of Pinetree Gut within Merigomish Harbour, Pictou County. There are currently 11 marine aquaculture sites in the Merigomish Harbour. The closest sites are a trio of sites approximately 2.0 km North, AQ#1320 (issued to Jamie Davidson and Stephen MacIntosh), AQ#1332 (issued to Sam J. McKinley) and AQ#1355 (issued to 3084315 Nova Scotia Ltd.). There is no evidence to suggest that the extent of the existing aquaculture in the harbour has exceeded the carrying capacity.

Decision:

Based on the factors considered above, Aquaculture Licence #1364 shall be renewed for a period of 10 years (December 2, 2022 to December 1, 2032) and Aquaculture Lease #1364 shall be renewed for a period of 20 years (December 2, 2022 to December 1, 2042).

The Licence and Lease documents shall be prepared in accordance with the Department's standard operating documents and shall be made publicly available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

A handwritten signature in blue ink, appearing to read "Rob Ceschiutti".

Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

October 21, 2022

Date