

Findings and Decision - Renewal Application of Michael A. MacIntosh for AO#1360

1. Overview:

On January 28, 2022, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application for renewal from Michael A. MacIntosh for Aquaculture Licence and Lease #1360 (AQ#1360), as described below:

Table 1. Description of Aquaculture Licence and Lease #1360

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| Type: Marine | Size: 7.91 HA |
| Number: AQ#1360 | Cultivation Method: Bottom cultivation without gear |
| Applicant: Michael A. MacIntosh | Species: American oyster and Bay quahog |
| Location: Merigomish Harbour, Pictou County | Proposed Term: 10 year Licence/ 20 year Lease |

2. History

Aquaculture Licence and Lease #1360 was initially issued to Michael A. MacIntosh on September 12, 2012 for a ten-year term from August 2, 2012 to August 1, 2022. There is currently an application in process to Amend Licence and Lease #1360 to authorize the additional cultivation method of “Bottom cultivation with gear”. This decision document addresses the renewal application only.

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 assigned based on the technical and biological assessment. This performance review is required pursuant to Subsection 72(b) of the Aquaculture Licence and Lease Regulations, and was completed on July 12, 2022

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1360 for the 30-day public comment period was published on NSDFA’s website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of June 9, 2022 – July 8, 2022. Notice of the application was also published in the Royal Gazette Part I on June 9, June 16, June 23, and June 30, 2022.

3.3 Submissions

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

4. Factors to be considered

The Performance Review indicates that this site has had production and employment over the duration of the current tenure of the licence and lease. Information submitted in support of the renewal application indicates continued contributions to the local and provincial economy. Department staff will continue to monitor that production plans are implemented as submitted.

There are no recorded instances on file of AQ#1360 interfering with other users of the public waters surrounding the operations. The operator is also required to adhere to all necessary and relevant Provincial and Federal legislation and regulations that may be applicable to the marine cultivation of shellfish.

The review of the application noted that there are no expected impacts on fisheries activities as a result of this renewal. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. This site 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 grown of American oysters in Merigomish Harbour has been proven. The information reviewed during the review of the application did not indicate adverse impacts on the surrounding public waters.

AQ#1360 is located in the near-shore environment, adjacent to the shoreline of Olding Island. The site is located approximately 40 Meters from another Marine Shellfish Aquaculture site, AQ#1378 (issued to Chris and Shelly Strickland). There is no evidence to suggest that the extent of existing aquaculture in the harbour has exceeded the carrying capacity of the waters.

5. Decision

Based on the considerations above, Aquaculture Licence #1360 shall be renewed for a period of 10 years (August 2, 2022 to August 1, 2032) and Aquaculture Lease #1360 shall be renewed for a period of 20 years (August 2, 2022 to August 1, 2042).

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*.

In addition, the following conditions shall apply.

6. Conditions

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 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'



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

July 14, 2022

Date