

Findings and Decision-Renewal Application of Estate of Charles Dennis for AQ#0914

1. Overview:

On July 30, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from the Estate of Charles Dennis to renew Aquaculture Licence and Lease #0914 (AQ#0914), as described below:

Table 1. Description of Aquaculture Licence and Lease #0914

Type: Marine Shellfish	Size: 0.15 HA
Number: AQ#0914	Cultivation Method: Bottom shellfish without gear
Applicant: Estate of Charles Dennis	Species: American oyster
Location: North Denys Basin, Inverness County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0914 was first issued to Charles J. Dennis on January 6, 1995 for a ten year term (January 9, 1995 to January 9, 2005). AQ0914 was renewed on July 12, 2005 for a five year term (January 9, 2005 to January 9, 2010). AQ#0914 was renewed on January 18, 2012 for a five year term (January 9, 2010 to January 8, 2015). AQ0914 was renewed on September 10, 2014 for a five year term (January 9, 2015 to January 9, 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 December 16, 2019.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0914 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of October 31, 2019 to November 29, 2019. Notice of the application was also published in the Royal Gazette Part I on October 31, November 5, November 12, November 19 and November 26, 2019.

3.3 Submissions

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

4. Factors to be considered

AQ#0914 is located in waters which are MSX positive; review of the file indicates that the last commercial production reported on the site was during the first tenure of the site. The renewal plan indicates supporting efforts to address the issue of MSX in the Bras d'Or Lakes by participating in projects.

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. Records indicate past issues relating to invasive species and predation. AQ#0914 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.

The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. AQ#0914 is located in North Denys Basin and the licence and lease documents for AQ#0914 will 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#0914 is one of three aquaculture sites issued to the Estate of Charles Dennis in North Denys Basin and is located approximately 0.83 km from AQ#0915 and 0.20 km AQ#0906. There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area. AQ#0914 is licensed for shellfish aquaculture, and there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

5. Decision

Based on the considerations above, Aquaculture Licence #0914 shall be renewed for a period of 10 years (January 9, 2020 to January 9, 2030) and Aquaculture Lease #0914 shall be renewed for a period of 20 years (January 9, 2020 to January 9, 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.

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Aquaculture Administrator

Nova Scotia Department of Fisheries and Aquaculture

Date

Dec 24, 2019